

01.02.2023  
Item No.11  
Court No.550  
Saswata

**W.P.A. 860 of 2023**

**M/s Abhishek Construction Corporation & Ors.**

**-vs-**

**Union of India & Ors.**

Mr. Gopal Chandra Ghosh  
Mr. Tapas K. Bhattacharya  
Mr. Aviroop Bhattacharya

...For the petitioners

Mr. Jasobanata Rakshit

...For the PF Authorities.

Mr. Suman Chattopadhyay

...For the respondent no. 1

Affidavit of service filed in Court today is kept with the record.

The present writ application has been filed, inter alia, challenging an order passed under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the "said Act").

Mr. Bhattacharya, learned advocate appearing for the petitioners submits that since all the records relating to the establishment were not considered and without giving appropriate opportunity to the petitioners to produce all records the order dated 30<sup>th</sup> May, 2022 under Section 7A of the said Act was passed, a representation was made to the Provident Fund Authorities on 15<sup>th</sup> November 2022. Unfortunately, the respondent authorities, without appropriately considering the petitioners' representation by a cryptic order dated 21<sup>st</sup> November 2022 has purportedly rejected the same. He says that the respondents are proceeding to recover the provident fund dues from the petitioners without appropriately deciding the case. In such circumstances, he prays unless an order is passed

restraining the respondents from taking any coercive steps against the petitioners, the petitioners shall suffer irreparable loss and injury.

Mr. Rakshit, learned advocate appearing for the provident fund authorities submits that the order under Section 7A of the said Act was passed after considering the petitioners' case. He submits that the aforesaid order is an appellable order and this Court should not entertain the present writ application.

I have heard the learned advocates appearing for the respective parties. I find since order passed under Section 7A of the said Act is appellable, I grant liberty to the petitioners to approach the appropriate Tribunal, constituted under the said Act. The petitioners shall be entitled to raise all points as are available to them before the Appropriate Tribunal. If any appeal is filed by the petitioners, within a period of 30 days from date the same shall be heard and disposed of by the Tribunal in accordance with law after giving opportunity of hearing to the parties.

The writ petition being no. WPA 860 of 2023 is accordingly ***disposed of***.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for be given to the parties on priority basis upon completion of requisite formalities.

***(Raja Basu Chowdhury, J.)***