

28.06.2023
Item No.25
Court No.550
Saswata

W.P.A. 10651 of 2023
M/s Aircon Communications & Anr.
-vs-
Employees' Provident Fund Organization & Ors.

Mr. Nikhil Kumar Gupta

...For the petitioners

Ms. Sima Sengupta

...For the respondents

1. The present writ application has been filed, inter alia, praying for a direction upon the provident fund authorities to permit the petitioners to pay off its dues in 36 equal monthly installments. By referring to the order dated 29th March 2023 which is at page 17 of the writ application, it is submitted that the provident fund authorities have already passed an order under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and have determined liability for the period between 1st April 2017 to 30th November 2021.
2. It is submitted that the petitioners want to pay off the aforesaid dues in installments. The petitioners contend that the Additional Central Provident Fund Commissioner (compliance) by a web circular dated 11th February 2014 has notified all the Additional Central Provident Fund Commissioners (Zones) that instructions have been issued on granting installments to establishments for liquidating the arrears and the establishment desirous of availing installment facilities, may liquidate the arrears in 36 installments upon compliance of the conditions set

forth thereunder. It is submitted that the petitioners may be extended similar benefits.

3. Ms. Sengupta, learned advocate appearing for the respondents submits that the petitioners have not yet made any application for grant of installments. She says that if an application is made by the petitioners, the same shall be duly considered by the respondents in accordance with law.
4. Having regard to the submissions made by the learned advocate appearing for the respective parties, I am of the view that the present writ application can be disposed of by passing the following order:
 - The petitioners shall be at liberty to make a representation before the appropriate authority, inter alia, praying for installments. If such representation is made within a period of 4 weeks, the same shall be considered by the respondents in accordance with law by taking into consideration the circular dated 11th February 2014
5. It is made clear that the decision in this regard should be taken by the respondents within a period of 4 weeks from the date of receipt of the representation of the petitioners.
6. With the above direction and observation, the writ petition being WPA 10651 of 2023 is ***disposed of*** without any order as to costs.

7. 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.)