

30.06.2023
DL-67
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26889 of 2022

Surya Alloy Industries & Anr.
Vs.
The regional Provident Fund
Commissioner-II (C & R) & Anr.

Mr. Ranjoy De,
Mr. Debasoumya Basak,
Mr. Basabjit Banerjee,
Mr. Viswajit Neogi (Dasgupta)
....for the petitioner.

Mr. Jasobanta Rakshit
...for Provident Fund Authority.

Mr. De, learned counsel appearing on behalf of the petitioners submits that upon instructions from his clients he is willing to withdraw the writ petition and approach the Appellate Authority under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. He submits that due to the formalities that has to be complied with by the department there is usually a time gap between the filing of the appeal and time when the appeal is usually taken up for hearing.

Mr. Rakshit, learned counsel appearing on behalf of the Provident Fund authorities submits that under the 1952 Act until such time stay is granted by the authorities concerned, the departmental

proceedings may follow against the establishment/petitioner no.1.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be subserved by permitting the petitioner no.1/establishment to prefer an appeal before the statutory Appellate Authority.

The period of limitation for preferring the appeal is extended till 30 days from the date of this order. In the event an appeal is preferred within 30 days from the date of the order, the Provident Fund authorities shall not take any coercive steps against the petitioner no.1/establishment till such time the said appeal is taken up for consideration by the Appellate Authority.

With the directions aforesaid, **WPA 26889 of 2022 is disposed of.**

Needless to mention that the order dated April 26, 2023 stands accordingly modified.

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)