

11th January, 2022
Ct. 1
D/L 8
(SKB)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

W.P.A.155 of 2023

Nuddea Plantations Limited and another
Versus
Regional Provident Fund Commissioner and others

Mr. Bikramaditya Ghosh,

... for the petitioners.

Mr. Bhaskar Roy Mahashaya

... for the respondents.

The petitioners are aggrieved by lodging of an FIR contrary to the express direction passed by a coordinate Bench on 10th May, 2022. The direction was passed in a writ petition filed by the petitioners which is a Tea Company (1st petitioner) and the learned Judge was pleased to give certain directions to the petitioners for liquidating the entire dues of the employees' provident fund within a certain timeframe and following the specific schedule. The provident fund authorities were directed to make an assessment of the entire dues of the workers of the Tea Company within 15th July, 2022 and intimate the same to the petitioners upon which the monthly installments would be determined. The assessment was to be made up to 20th June, 2022. The order further recorded that in case of default of any of the installments to be paid by the petitioners, the authority was at liberty to proceed in accordance with law.

The petitioners say, through learned counsel, that all current dues have been made by the petitioners and up to date. Material corroborating the same in this regard is on record.

The grievance arises out of the FIR No.375/2022, which was filed by the authorities on 22nd December, 2022 lodged in the Banarhat Police Station, after the order of the coordinate Bench. The coordinate Bench gave a specific direction for the petitioners' protection by directing that no coercive action would be taken by the authorities against the petitioners.

Learned counsel for the Regional Provident Fund Authorities submits that the FIR was lodged as a result of a miscommunication. Counsel submits that the petitioners have not been cooperating in the exercise as directed by the coordinate Bench.

Upon hearing learned counsel, this court is of the view that the FIR, which is certainly a coercive measure, could not have been lodged contrary to the express protection given to the petitioners. The authorities shall, hence, not take any further steps pursuant to the FIR. It is also made clear that the petitioners shall cooperate with the instructions in furtherance of the exercise directed by the coordinate Bench.

W.P.A.155 of 2023 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)