

SI No.30
01.03.2023.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 451 of 2023
Kohinoor Tea Company Limited & Anr.
-versus
Regional Provident Fund Commissioner,
Jalpaiguri & Ors.**

Mr. Bikramaditya Ghosh,
Ms. Supriya Singh.
Mr. Srijit Halder.
... for the petitioners.

Mr. Bhaskar Ray Mahashaya
... for the P.F. Authority.

In compliance of the order dated January, 13, 2023 passed in WPA 168 of 2023, the Regional Provident Fund Commissioner-I intimated the petitioners the details of the amount that is due and payable on account of provident fund dues by communication dated February 17, 2023.

The petitioners dispute the figure mentioned in the said communication.

It has been submitted that no opportunity of hearing was given to the petitioners to place documents in support of the payment made.

Prayer has been made for setting aside the impugned communication dated February 17, 2023 and for granting opportunity of hearing to the petitioners prior to assessing the amount due and payable by the petitioners.

The learned advocate representing the PF Authority submits that details of the dues of the petitioners are clearly mentioned in the communication dated February 17, 2023. Despite opportunity granted to the petitioners, they failed to produce documents in support of their claim.

The learned advocate for the petitioners has filed a supplementary affidavit incorporating the disputes in connection with the assessment communicated to the petitioners by the impugned communication.

To give a further opportunity to the petitioners to clear the provident fund dues one more chance may be granted to the petitioners to produce documents in support of the payment made and the disputes in the assessment as indicated in the supplementary affidavit.

The Provident Fund Commissioner-I is directed to grant a reasonable opportunity of hearing to the petitioners within a fortnight from date for production of documents for settlement of the disputes apropos the communication dated February 17, 2023.

A reasoned order shall be passed and communicated to the petitioners immediately thereafter.

The aforesaid opportunity is being granted for effective compliance of the order dated January 13, 2023 passed in WPA 168 of 2023.

Be it recorded that the said opportunity shall be treated as peremptory and no further opportunity will be given to the petitioners.

The Regional Provident Fund Commissioner-I is directed not to give effect and/or further effect to the impugned communication dated February 17, 2023 till a decision is taken in terms of the order passed herein above.

The representative of the petitioner no. 1 is directed to cooperate with the respondent authority and produce all the documents as and when sought for.

It is expected that the Provident Fund Authority shall not take any coercive measures under the provisions of the said Act of 1952 on the allegation of non-payment of the dues for the subject period and/or any part thereof till the end of the month of March, 2023.

Affidavit-of-service filed in Court today is taken on record.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)