

03.09.2024
Court No.13
Item No.70
sp

FMA 566 of 2024
With
I.A. No. CAN 1 of 2024
The Statesman Ltd.
Vs.
Debasish Bardhan & Ors.

Mr. Soumya Majumder,
Ms. Amrita Pandey,
Ms. Sneha Singh

..for the appellant

Mr. Shuvro P. Lahiri,
Mr. Rajesh Naskar

...for the respondents/writ petitioners

Mr. Shiv Chandra Prasad

..for the P.F. Authority

1. The appeal is directed against the order dated 23rd February, 2024 passed by a Single Bench of this Court in WPA 11310 of 2020. By the said order, the writ petition was disposed of in a rather summary manner. The rival contentions of the parties as disclosed in the affidavits have not been addressed by the Single Bench.

2. This Court is, therefore, of the view that the rate of interest for delayed payment of Provident Fund is required to be addressed based on the law and particularly the precedents on the subject.

3. Hence, the impugned order cannot be sustained. The matter requires to be remanded back before the Single Bench for an appropriate decision after hearing all parties and considering the pleadings on facts and law.

4. The remand, however, cannot be unconditional given the fact that the respondent/writ petitioner is only seeking his lawful retirement dues.

5. This Court therefore directs that a sum of Rs. 3 lakh be deposited with the Registrar General of this Court to the credit of the WPA 11310 of 2020. The Registrar General shall invest the said amount in the interest bearing account. The deposit shall abide by the final result of the writ petition.

6. The order of remand is also conditional upon the payment of costs for misleading the Single Bench. Let the aforesaid deposit with the Registrar General be made within a period of 10 days from the date of receipt of a copy of this order.

7. The Single Bench has imposed cost of Rs. 1 crore for an admitted misleading of the Court by the employer, M/s. Statesman Limited. While the act of misleading is indeed contumacious enough, this Court is of the view that the cost of Rs. 1 crore are rather excessive and disproportionate.

8. In the above circumstances, this Court directs the appellant, M/s. Statesman Limited to pay cost of Rs. 1 lakh. Rs. 75,000/- of the aforesaid sum of Rs. 1 lakh shall be paid to the writ petitioner and a sum of Rs. 25,000/- shall be paid to the EPF authority within seven days from date.

9. In default of compliance with any of the above directions, the appeal shall automatically stand dismissed and the order passed above, shall stand vacated.

10. If the directions for deposit and costs as above are complied with, the parties are at liberty to apply before the Single Bench for early hearing in the matter.

11. The Single Bench may consider the prayer subject to its business permitting and its convenience.

12. With the aforesaid observations, FMA 566 of 2024 shall stand disposed of.

13. In view of the above, CAN 1 of 2024 shall also stand disposed of.

14. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)