

21.06.2024

Sl. No. 402

Ct. No. 05

M/L

Srimanta

IA No.:CAN/1/2023

in

WPA/8705/2019

M/s. Baranagore Jute Factory (P.L.C.)

-Vs.-

Union of India & Ors.

Mr. Soumya Majumder,

Mr. Victor Chatterjee

...for the respondent nos. 7 & 8.

Mr. Shiv Chandra Prasad

...for the P.F. Authorities.

The present writ petition has been filed, inter alia, challenging the notification dated 12th August, 2011 which is Annexure – P/7 to the writ application along with the order dated 29th March, 2019 passed by the Central Government Industrial Tribunal in Appeal No. EPF/30/2018. As would appear from the order dated 29th March, 2019 the same arise out of an appeal filed against the orders/notification dated 12th August, 2011 passed by the appropriate Government cancelling the exemption granted under Clause (a) of Sub-Section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the said Act) as also the order dated 14th September, 2018 directing transfer of the past accumulations to the Employees' Provident Fund Organization. The Central Government Industrial Tribunal by its order dated 29th March, 2019 was, inter alia, pleased to dismiss the said appeal on the ground that the same was barred by limitation.

Mr. Majumder, learned Advocate appearing on behalf of the respondent nos. 7 and 8 by placing before this Court a copy of the affidavit-in-opposition filed on behalf of the Provident Fund Authorities in a connected matter being WP 26306(W)/2018 submits that the establishment being the petitioner herein has already started complying as an unexempted establishment and has also deposited employees' share of Provident Fund contribution for the month of July, 2019 with the Provident Fund Authorities. Mr. Prasad, learned Advocate appearing on behalf of the Provident Fund Authorities confirmed such fact. Let a copy of the affidavit-in-opposition filed on behalf of the Provident Fund Authorities in WP No. 26306 (W) of 2018 affirmed on 27th September, 2019 be retained with the record.

Since it is apparent from the aforesaid affidavit that the petitioner has already started complying as an unexempted establishment, the present writ application appear to have become infructuous.

On 12th April, 2024 when the matter was taken up for consideration the petitioner remained unrepresented. At the time of call, none appears on behalf of the petitioner. It may be that by reason of the writ petition having become infructuous the petitioner has lost interest in the matter. Be that as it may, since none appears in support of the writ petition the same is dismissed.

(Raja Basu Chowdhury, J.)