

D/L.5.
August 13, 2024.
MNS.

WPA No. 19069 of 2024

Avijit Das
Vs.
Employees' Provident Fund Organization
and Others

Mr. Sauvik Nandy,
Mr. Subrata Santra

... for the petitioner.

Mr. Shiv Chandra Prasad

...for the respondent Authorities.

The grievance of the petitioner is directed against a show cause notice dated June 25, 2024 whereby the petitioner has been requested to appear before the respondent authorities on July 18, 2024.

Significantly, the amount alleged to be due and payable by the establishment is Rs.48,69,694/-. In this background, the respondent authorities have issued a show cause notice under Section 8C(1) of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 seeking, *inter alia*, recovery of arrears.

It is submitted on behalf of the petitioner that, the petitioner is a Group-IV employee and has been coerced into becoming an additional director. It is further submitted that the petitioner is not the person responsible in terms of Section

14A of the Act. Moreover, though the petitioner had been appointed as an Additional Director on December 22, 2014, thereafter the petitioner resigned on March 16, 2017. As such, the petitioner is not the person responsible under the Act who can be proceeded against.

On behalf of the respondent authorities it is submitted that, the petitioner is simply adopting dilatory tactics to procrastinate the entire recovery proceedings. The respondent authorities also submit that a warrant of arrest has also been issued against the petitioner. In such circumstances, there are no grounds whatsoever to interfere with the show cause notice. The show cause notice issued merely asks the petitioner to appear on July 18, 2024.

It is well settled that ordinarily no writ lies against a show cause notice. A show cause notice also does not give rise to any adverse order which affects the rights of any of the parties. As such, the jurisdiction under Article 226 should not ordinarily be exercised for quashing a show cause notice. There are no other grounds urged justifying any interference with the impugned order. [*Union of India vs. Vicco Laboratories (2007) 12 SCR 534, Union of India vs. Kunisetty Satyanarayana (2006) 12 SCC 28, Executive Engineer Bihar State Housing Board*

vs. Ramdesh Kumar Singh & Ors. AIR (1966) SC 691 and State of Up vs. Brahm Datt Sharma & Anr. (1987) 2 SCR 444].

In view of the above, WPA No. 19069 of 2024 stands dismissed.

All issues are left open to be decided by the respondent authorities in accordance with law.

(Ravi Krishan Kapur, J.)