

20.11.2024
Court No.13
Item No.38
AP

**MAT 1644 of 2024
With
CAN 1 of 2024**

**Avijit Das
Vs.
Employees' Provident Fund Organization and Ors.**

Mr. Souvik Nandy
Mr. Subrata Santra

...For the Petitioner.

Mr. Shiv Chandra Prosad

...For the Respondents.

1. The instant appeal is directed against a judgment and order dated 13th August, 2024 passed by a Single Bench of this Court in WPA 19069 of 2024 (Avijit Das Vs. Employees' Provident Fund Organization and Ors.).

2. It is submitted by the petitioner that a show cause notice dated 25th June, 2024 was issued to the petitioner by the Regional Provident Fund authorities for certificate dues assessed at Rs. 48,69,694/-. The said dues were for the period from March 2008 till July 2014.

3. Counsel for the appellant submits that his client was an additional director nominated from the employees side for the period from 22nd December, 2014 till 16th March, 2017. He, therefore, could not have been liable for the above. The writ petition was

filed challenging the jurisdiction of the EPF authorities issuing the show cause notice for the first time.

4. The extract from the master data of the ROC indicates that the petitioner was director from 22nd December, 2014 but the date of ending of directorship is not indicated.

5. This Court is of the view that the impugned order cannot be faulted. While a writ petition may be maintainable against a show cause notice, as to whether it will be entertained or not is a completely different matter.

6. The petitioner has replied to the show cause notice, but has not waited for a decision from the authorities. The petitioner claims that he has received phone calls from the Gobar Danga Police Station and attended the police station and was under threat of arrest and hence he had moved the instant application.

7. It is also submitted that the main directors of the company have challenged the certificate dues and the same has been stayed in another proceedings in WP 2027(W) of 2017.

8. Be that as it may, this Court is of the view that the writ petition is rather premature since the respondents have not decided upon the cause shown

by the petitioner. The petitioner has other remedies against the threat of arrest.

9. In these circumstances, the respondents/EPF authorities shall pass appropriate orders on the cause shown by the petitioner and take steps in accordance with law.

10. The impugned order calls for no interference whatsoever.

11. With the above observations, the appeal is disposed of.

12. In view of the disposal of the appeal, connected pending applications, if any, shall also stand disposed of.

13. There shall be no order as to costs.

14. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)