

30-01-2024
ct no. 13
Sl.2
pk

WPA 24719 of 2023

Naren Naskar

-Versus-

The State of West Bengal & Ors.

Mr. Tauhid Khan,
Mrs. Marufa Mondal

...for the petitioner

Ms. Aparna Banerjee
..for the Provident Fund Authorities

Ms. Amrita Pandey,
Mr. Ghanshyam Pandey
...for the respondent nos. 5 and 6

1. Two persons, namely, Subrata Kumar Naskar and Jayanta Kumar Hazra and two persons, namely, Amit Shaw and Sujit Kumar Shil claiming to be the directors of M/s. Delta Jute & Industries Limited and M/s. Olisa Private Limited respectively are present in Court at 2.00 p.m.
2. This Court notes with disgust that they claim to have been informed of their requirement of physical presence before this Court only today. Learned Counsel for the Companies, Ms. Amrita Pandey submits that she had informed the legal representative of the companies, Abul Hasan of the order dated 09.01.2024.
3. There is contempt on the face of this Court on the directors. They appear to be mere

namelenders to protect the persons, who are infact in control and management of M/s. Olisa Private Limited and M/s Delta Jute & Industries Limited.

4. It further appears that the P F Authorities, since after cancellation of the exemption under Section 17 (5) of E P F Act, 1952 had notified the company in July, August, September, October and November, December of 2023 of requirement of submission of ledgers and accounts of all P F deposits made in respect of their employees which does not appear to have been furnished till date.
5. Let a report cum affidavit be filed by the 5th respondent in course of the day to bring on certain statements. Let advance copy of the same be given to the counsel for the P F Authorities.
6. This Court directs the Regional Provident Fund Commissioner, Kolkata and/or his designate to immediately institute proceedings, both civil and criminal against the directors as well as the persons behind the actual control and management of M/s. Olisa Private Limited and M/s. Delta Jute & Industries Limited for not furnishing particulars of the provident fund deposits

made in respect of the employees of M/s. Delta Jute & Industries Limited.

7. Since accounts in respect of the petitioner's deposits have been filed today, the P. F. Authorities shall consider the same and take steps to release any dues payable to the petitioner within a period of one month from date.
8. It is submitted by the P F Authorities that a sum of Rs.96 lacs only has been transferred to the P. F. Authorities by the Company. Any balance amount remaining with the Company and/or its erstwhile trustees of the P F accounts of its employees shall be transferred to the P. F. Authorities within a period of seven days from date.
9. This shall not prevent the P. F. Authorities from making any assessment and consequent demand upon the said company and the trustees that held the provident fund account of the employees of M/s. Delta Jute & Industries Limited until the revocation of the exemption under sub Section (5) of Section 17 of the said Act of 1952.
10. It is expected that appropriate proceedings as directed herein above are drawn up expeditiously by the Regional Provident Fund Commissioner, Howrah and/or his designate

but not later than a period of one month from date positively.

11. Insofar as the persons claiming to be the directors of M/s. Olisa Private Limited and M/s. Delta Jute & Industries Limited, same is dispensed with on their undertaking to be personally present before the P. F. Authorities as and when summoned along with any other person.
12. The writ petition is disposed of.
13. In view of disposal of the writ petition, connected application, if any, is also disposed of.
14. There will be no order as to costs.
15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)