

20.02.2025
Item No.7
BR

WPA 2535 of 2025
M/s. M.B.Builders and another
-vs-
The Regional Provident Fund
Commissioner –II and ors.

Mr. Soumya Majumdar, Sr. Adv.,
Mr. Robiul Islam,
Mr. S. Saha,
Mr. Sk. J. Hossain,
Mr. Raju Mondal
.... For the petitioners

Mr. Sayak Ranjan Ganguly,
Ms. Srijani Ghosh,
Ms. Indrani Majumdar
.... For the respondent no. 9
Ms. Aparna Banerjee
... for the P.F. Authority

The present writ application has been preferred against the impugned letters issued by the Regional Provident Fund Commissioner-II, Dist-Purba Medinipore, vide No. R-Recovery WB/DO /MID/40126/826 dated 20.11.2024, R-Recovery/WB /DO /MID /40126 /828 dated 20.11.2024, R-Recovery /WB /DO /MID /40126 /984 dated 23.12.2024 and WB /DO/MID/Recovery /

40126 /C ert. Cases/1047 dated 10.01.2025.

On hearing the learned counsels for the parties and considering the materials on record, it appears that vide an order dated 9.1.2018 passed in MAT 2099 of 2012 along with CAN 11680 of 2017, the Division Bench of this Court had directed as follows:

“ In those circumstances, we set aside the two impugned orders being annexure – P/2 and P/3 to the petition both dated 20th September, 2016.

We direct the Provident Fund Authority to adjudicate the case of the appellant under Section 14(B) and 7(Q) in accordance with law with reasons after giving an opportunity of hearing to the petitioner within eight weeks of communication of this order.”

Summon was issued in the year 2020, after almost two years of the said order. Several dates were fixed which prima facie appears to be during the Covid pandemic.

It is submitted by the learned senior counsel for the petitioners that due to such exigency appearance could not be made before the authority concerned and the authority in spite of there being delay of about two years on their part, proceeded to pass an order on 26.11.2021.

Being aggrieved and on the ground of being prejudiced, the petitioner has approached the Court for an opportunity to be heard within a specified period as directed by the Court.

On hearing the learned counsels for the parties, considering the materials on record and in the interest of justice the order dated 26.11.2021 is hereby set aside. The Regional Provident Fund Commissioner-II, Kolkata shall hear the matter and dispose of the same within a period of 60 days from the date of communication of this order.

Parties are directed to appear before the said authority on 27th February, 2025 and the matter shall be disposed of in accordance with law by granting sufficient opportunity of hearing but no unnecessary adjournment within a period of 60 days thereafter.

WPA 2535 of 2025 stands disposed of.

Parties to act on the server copy of this order.

Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)