

12.02.2025

Sl. No.: 14
Court No.30
BM

WPA 2767 of 2025

**The Baidyabati Sheoraphuly Co-operative
Bank Ltd.**

Vs.

The Central Board of Trustees & Ors.

Mr. Suvadip Bhattacharjee

Mr. Balaram Patra

... for the petitioner

1. Affidavit of service filed be kept with the record.

2. The present writ application has been preferred against an order dated 20.12.2024 passed in EPF Appeal No.5 of 2024 and the notice of recovery dated 15th January, 2025.

3. It appears from the order under challenge that the appellate authority has dismissed the appeal on the ground that it is barred by limitation. It is submitted that as the appellant petitioner herein failed to prefer the appeal within 120 days the appeal was barred by limitation and thus, the appeal was dismissed.

4. Learned counsel for the petitioner submits that admittedly there was a delay of 22 days but the delay was not wilful delay as during the said period there was no Special Officer manning the Company and as such the appeal was filed after a delay of 22 days.

5. As none appears in spite of service Ms. Aparna Banerjee, empanelled lawyer of the Regional Provident Fund Commissioner present in court is appointed to represent the PF authority. Let her appointment be regularised.

6. Learned counsel for the petitioner has relied upon a judgement of a co-ordinate Bench passed in **WPA 14143 of 2023, Amit Metaliks Limited & Anr. Vs. Central Government Industrial Tribunal-cum-Labour Court, Asansol & Anr.** wherein the court considered the point of limitation in such cases and directed the Tribunal to apply **Rule 21 of the Employees' Provident Funds Appellate Tribunal Rules, 1997.**

7. **Rule 21 gives the power to Tribunal to pass direction to secure the ends of justice and to prevent the abuse of process of law.**

8. Considering the said fact and the relief prayed for, the writ application is disposed of by condoning the delay in filing the appeal of 22 days before the Appellate Authority. The appeal is restored to its own file and number and the Appellate Authority is directed to dispose of the same expeditiously in accordance with law on hearing the parties.

9. The recovery notice dated 15th January, 2025 is thus set aside.

10. The writ petition stands disposed of.

11. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)