

10.03.2025.
Item No. 17.
Court No. 13
sp

MAT 226 of 2025
With
I.A. No. CAN 1 of 2025
M/s. Naba Kumar Construction
Versus
The Union of India & Ors.

Mr. Debasis Sur,
Mr. Hare Krishna Halder,
Mr. Angshuman Patra

...For the appellant.

Ms. Debjani Ghosal.

...For the respondent/EPF.

1. The appellant is aggrieved for non-consideration of his application for inter locutory reliefs by the Single Judge.
2. This Court can appreciate the volume of business before the Single Judge which may have prevented him from taking up the appellant's application. However, since the appeal has been filed before this Court, this Court is inclined to take up the issue.
3. The respondent/EPF authority has raised demand under Section 7A of the EPF & MP Act, 1952 for a sum of Rs. 39.18 lakhs. The appellant's bank accounts with the Indian Bank (Formerly Allahabad Bank), Ganrapota Branch, Village & Post Office- Ganrapota, District- 24 Parganas (N), West Bengal, have been frozen, in the backdrop of an order passed by a Co-ordinate bench dated 31st July, 2024 in WPA 16836 of 2024.

4. This Court is of the view that since the dues of the EPF authority are Rs. 39.18 lakhs, the bank accounts of the appellant with the said branch of the Indian Bank, West Bengal, shall be frozen only to the extent of Rs. 40 lakhs. The bankers of the appellant, shall allow the appellant to operate the bank account keeping a sum of Rs. 40 lakhs in an interest bearing account to the credit of WPA 16836 of 2024.

5. Learned counsel for the appellant submits and confirms before this Court that there is a credit balance above Rs. 40 lakhs in the account. In the event the said branch of the Indian Bank communicates to the EPF authorities that such balance is not available in the bank account of the appellant, the instant order shall stand vacated forthwith and the appeal shall automatically stand dismissed.

6. Time to file affidavit-in-opposition to the writ petition is extended by a period of 2 weeks from date. Reply, if any, be filed within a week thereafter.

7. The parties are at liberty to mention for early hearing before the Single Bench.

8. With the aforesaid observations, MAT 226 of 2025 along with CAN 1 of 2025 shall stand disposed of.

9. There shall be no order as to costs.

10. 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.*)

(*Ajay Kumar Gupta, J.*)