

08.05.2025
Item No. 16
Ct. No. 30
AN

WPA 5042 of 2025
M/s. Vilz Mart Pvt. Ltd.
vs.
Union of India & ors.

Mr. Nikhil Kr. Gupta
Mr. A. G. Maity
Mr. Subhadeep Maitra

... for the petitioners

Mr. Jasobrata Rakshit

... for the P. F. Authorities
(respondent nos. 2,3,4)

Affidavit of service filed today be kept with the
record.

The present writ petition has been preferred praying
for cancellation of an order dated 24.09.2024 issued by the
Assistant Provident Fund Commissioner, Regional Office,
Howrah.

It appears from the said order dated 24.09.2024
that the matter has been decided under Section 7(A) of the
E.P.F. Act and subsequently, an order of review has also
been passed under Section 7(B) of the E.P.F. Act.

Learned counsel appearing for the respondent
E.P.F. Authorities submits that the orders challenged in
the writ petition are appellable under Section 7(I) of the
E.P.F. Act. It is further submitted that without preferring
an appeal, the petitioner has approached this Court.

Learned counsel appearing for the petitioner
submits that the time to prefer an appeal before the

appellate authority has expired and at present there is no Presiding Officer posted in the appellate tribunal. Absence of an Officer being posted in an appellate tribunal is not a reason for not preferring an appeal provided under the statute.

As such on hearing the parties and considering the materials on record, the present writ application is **disposed of** with the direction that the petitioner is at liberty to approach the appellate authority by preferring an appeal as provided under Section 7(I) of the E.P.F. Act. The period of limitation shall be calculated from the date of this order.

Consequently, connected application, if any, also stands disposed of. Interim order, if any, stands vacated.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)