

03.07.2025
Item No.5
Ct. No. 30
Aloke

WPA 7274 of 2025

**M/s. Ramesh Kumar & Co. Pvt. Limited
Vs.
Regional Provident Fund Commissioner & Anr.**

Mr. Soumya Majumdar, Id. Sr. Adv.
Mr. Uddipan Banerjee
Mr. Subhrakanti Samanta
... for the petitioner

Ms. Aparna Banerjee
... for the respondents

1. Supplementary affidavit is filed as per leave granted.
2. The writ application has been preferred challenging the show-cause notices issued by the respondents dated 8th January, 2025 and 30th January, 2025 asking the petitioner as to why warrant of arrest should not be issued.
3. On hearing the learned counsel for the petitioner and considering the materials on record, it appears that the notice dated 08.01.2025 has been issued during pendency of the restoration application preferred by the petitioner herein before the Central Government Industrial Tribunal, Kolkata, praying for restoration of Appeal No. EPF-06 of 2015 which was dismissed for default by the Tribunal vide order dated 26.04.2023.
4. It appears that the application for restoration of appeal was last fixed by the Tribunal for hearing on 23.05.2025.

5. The appeal was dismissed for default on 26.04.2023 and the restoration application is pending before the Tribunal for hearing till date. In spite of the application for restoration pending before the Tribunal and having not been disposed of, the authority concerned have issued the notices under challenge.

6. Considering the said fact, the writ application is disposed of by staying the show-cause notices dated 8th January, 2025 and 30th January, 2025 till disposal of the restoration application pending before the Tribunal, with liberty to pray for further relief before the tribunal.

7. The respondent authorities are further directed not to proceed against the petitioner till disposal of the restoration application by the Tribunal. The restoration application is to be disposed of by the Tribunal expeditiously, in accordance with law.

8. The writ application stands disposed of.

9. Connected application, if any, stands disposed of.

10. Interim order, if any, stands vacated.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)