

18.08.2025
Item No.18
Ct. No. 30
Aloke

WPA 9783 of 2025

**M/s. Murlidhar Ratanlal Exports Limited
Vs.
The Certificate Officer (Recovery Officer) & Ors.**

Mr. Soumya Majumdar, Id. Sr. Adv.
Ms. Amrita Pandey
Ms. Sneha Singh
... for the petitioner
Mr. Bikash Shaw
... for the private respondent
Mr. Nilotpal Chatterjee
Mr. Saptak Sanyal
... for the State

1. The writ application has been preferred against an order dated 25th October, 2025 passed by the Controlling Authority and impugned order dated 20th June, 2024 passed by the Certificate Officer, Chandernagoare, Hooghly, in Certificate Case No. 64/Cert/2017 and order dated 5th September, 2024 passed by the appellate authority/District Magistrate under PDR Act.
2. Admittedly, the order of the Controlling Authority dated 25.10.2025 was not challenged in appeal.
3. It appears that the Certificate Case was initiated in the year 2017 being case no. 664/Cert/2017.
4. Learned senior counsel appearing for the petitioner submits that being aggrieved with the

Certificate issued and the order dated 20th June, 2014, passed by the Certificate Officer, the writ petitioner had preferred an appeal under Section 51 of the Bengal Public Demands Recovery Act and the appellate authority dismissed the appeal relying upon the judgment of the Calcutta High Court passed in **WPA 4105 of 2021** in the matter of **Raghunath Majhi vs. The State of West Bengal & Ors.**, wherein the High Court had held as follows :

“11. On the basis of the discussion made herein above, I hold that the procedure laid down by the Act of 1913 for recovery of due gratuity except section 14 of the Act of 1913 is not at all required to be followed for recovery of unpaid gratuity amount as any other provision of the Act of 1913 is inconsistent with the payment of Gratuity Act, 1972 so far as recovery is concerned. The appeal provision for an aggrieved party will not be an appeal under the said Act of 1913. Appeal, if any, has to be an appeal under section 7(7) of the payment of Gratuity Act, 1972. It is not at all understood why such provisions under Bengal Public Demand Recovery Act, 1913 are followed by the collector or his delegate when there is no such provision in the payment of Gratuity Act, 1972 which contains an overriding effect under section 14. Such steps if taken under the Act of 1913 will only jeopardize the interest of the employee who has not got the gratuity and will

again reopen the case of non-payment of gratuity which has reached to a conclusion before the controlling authority under the payment of Gratuity Act, 1972. Following the Act of 1913 will only defeat the intent and purpose of the Union Legislature in framing the payment of Gratuity Act, 1972.

13. "I hold that something, i.e., intimation to the employer, calling for his response, giving him time and opportunity to appear in the matter for holding hearing after followed under payment of Gratuity Act, 1972 need not be repeated again under the Act of 1913, which except section 14 is not at all applicable for recovery of gratuity in view of section 14 of the payment of Gratuity Act, 1972."

The other provisions of Bengal Public Demand Recovery Act, 1913 except section 14, is not applicable in case of the payment of Gratuity Act, 1972 because, the payment of Gratuity Act, 1972, framed by the union Legislature by section 14 has been given an overriding effect to the Gratuity Act, 1972.

Therefore, in view of facts and circumstances of these cases and considering the view of the Hon'ble High Court, Calcutta there is no scope to entertain the appeal petitions filed by the appellants u/s. 51 of Bengal Public Demand Recovery Act, 1913 and if such appeal petitions are entertained it will defeat the intent and purpose of the union legislature in framing the payment

of Gratuity Act, 1972 and also jeopardize the interest of the employee who has not got the gratuity.

The appellant has submitted his reply which is not satisfactory. The appellant, has failed to substantiate as to why an appeal u/s 51 of the Bengal Public Demand Recovery Act, 1913 against the order of the Certificate Officer is made out. The appeal petition, therefore, is liable to be dismissed in limine.”

5. Considering the said order and the relief prayed for by the petitioner, **the writ application is disposed of** with liberty granted to the writ petitioner to prefer an appeal against the order of the Controlling authority within 30 days from the date of this order, which the appellate authority shall hear and make all endeavour to dispose of within 60 days thereafter in accordance with law by passing a reasoned order.

6. Pending hearing of the appeal, if filed, the order of the Controlling Authority be stayed till disposal of the appeal.

7. In case no appeal is preferred as per liberty granted, the stay order shall stand vacated and the Certificate Officer shall proceed with the certificate proceedings after the period granted for preferring an appeal is over and make all endeavour to dispose of the certificate proceedings in accordance with law

within four months thereafter. The period of limitation, if any, is extended for 30 days from this date in the interest of justice.

8. There will be no order as to costs.
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 supplied to the parties, upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)