

20.05.2025
Ct. No. 30
S.L. No.4
SM

WPA 9899 of 2025
M/S Aircon India Incorporated
Vs.
Employees' Provident Fund Organization & Ors.

Mr. Soumya Majumder, sr. adv.
Mr. Risabh Karnani
Mr. Nikhil Kr. Gupta
.....for the petitioner

Ms. Aparna Banerjee
.....for the respondents

Supplementary affidavit filed be kept with the record.

The present writ application has been preferred praying for quashing of an order dated 25.07.2024 and recovery certificate dated 08.04.2025.

It is submitted by the learned counsel for the petitioner that during pendency of the appeal being EPF-21/2024 before the Central Government Industrial Tribunal, Kolkata preferred by the petitioner on 29.10.2024, the authority concerned has issued the notice dated 08.04.2025.

It is further submitted that at present there is no presiding officer at the CGIT, Kolkata and as such the appeal is pending and during pendency of the appeal the concerned officers are issuing one notice after another.

Learned counsel for the petitioner places another notice issued by the Recovery Officer on 07.05.2025 which has been issued after filing of the present writ application.

Considering the conduct of the EPF authorities the notice dated 07.05.2025 is treated as part of this writ application.

On hearing the parties it appears that the petitioner on the basis of an order granting installments to the petitioner is paying the same in respect of the interest under Section 7Q of the EPF Act.

It is the order under Section 14B of the EPF Act that has been challenged before the CGIT, Kolkata.

Considering the submission made by the parties and the materials on record, the order dated 08.04.2025 and 07.05.2025 stands quashed (as issued after filing of the appeal) and the order under Section 14B of the EPF Act dated 25.07.2024 be stayed till disposal of the appeal by the tribunal (CGIT, Kolkata).

It is further directed that the EPF authorities shall not issue further notice or taken any coercive action against the petitioner till the appeal is disposed of by the CGIT, Kolkata.

WPA 9899 of 2025 stands disposed of.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]