

11.06.2025
Item No.22
Ct. No. 30
Aloke

WPA 11052 of 2025

**M/s. Saha Enterprise
Vs.
Employees' Provident Fund Organisation & Ors.**

Mr. Dinabandhu Chowdhury
Mr. Amal Kr. Saha
Mr. Mainak Ganguly
Mr. Iresh Paul
... for the petitioner

Mr. Dinesh Chandra Singh
... for the respondents

Heard the learned counsel for the petitioner and the learned counsel appearing for the EPF Authorities who submits that the petitioner did not appear before the officer concerned at the time of hearing.

In the present case, the validity of the order under Section 14B read with Section 7Q of the EPF Act is pending adjudication before the CGIT, Kolkata and the point raised by the learned counsel for the EPF Authorities is to be considered by the Tribunal.

The writ petition has been filed challenging the orders of the respondents passed under Sections 14B and 7Q of the EPF Act. It appears that during pendency of the said appeal, the authorities concerned have proceeded to issue certificate under Section 8 of the EPF Act on 08.04.2025 and other notices on 23.04.2025 and 09.05.2025. The appeal

was filed on 08.10.2024. The authorities are aware of the said appeal.

It is unfortunate that the authorities are proceeding in spite of the fact that an appeal has been preferred against their order. Such conduct is to be avoided by the authorities concerned in the interest of justice.

Accordingly, the recovery certificate dated 08.04.2025 and the notices dated 23.04.2025 and 09.05.2025 being against the principles of natural justice and thus not in accordance with law are quashed, as the same has been passed after an appeal has been preferred and is pending.

The authorities are further directed not to proceed till the disposal of the appeal by the CGIT, Kolkata.

The writ application stands disposed of.

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

(Shampa Dutt (Paul), J.)