

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

WPA 17358 of 2009

Sreema Mahila Samity represented by its Secretary

Versus

The Regional Provident Fund Commissioner and Others

For the Petitioner : Mr. Sabyasachi Mukhopadhyay, Adv.
Ms. Oindri Mukherjee, Adv.

For the P. F. Authority : Mr. Shiv Chandra Prasad, Adv.

Heard on : 03.09.2025

Judgment on : 03.09.2025

Ajay Kumar Gupta, J:

1. The writ petitioner is a registered society under the West Bengal Societies Registration Act engaged as a non-profit and non-government organization and some women volunteers work therein. The Petitioner society has been established for the development of the poor women and children in rural area by micro finance to the poor through formation of self-help group. The petitioner Society promoted about 8000 self help group covering four districts namely, Nadia, North 24 parganas, Murshidabad and Birbhum.

2. The petitioner has approached before this Court seeking direction upon the P. F. Authority to forthwith withdraw, recall and set aside the impugned order and notice dated 09.04.2009 and 04.05.2009 annexed with this writ petition and further directed not to proceed with the matter against the petitioner.

3. It is contended by the writ petitioner that the petitioner supplied a letter issued by the Assistant Provident Fund Commissioner (Penal Damage) Employees Provident Fund Organization, Barrackpore vide Memo dated 09.04.2009 requesting the Society to pay interest under Section 7Q and damages under Section 14B of the Employees Provident Fund and Miscellaneous Provision Act 1952 to the tune of Rs.4,25,617/- and Rs.12,11,893/-

for the belated remittances. In turn, the Society immediately vide letter dated 21.04.2009 prayed before the Assistant Provident Fund Commissioner Employees' Provident Fund Organisation, Titagarh, Barrackpore to allow some more time so that they can arrange payment of interest as claimed under Section 7Q of the Act and further prayed to waive the damages as claimed under Section 14B since the Society was non-profit organization.

4. On the other hand, the learned counsel appearing on behalf of the P. F. Authorities submits that Affidavit-in- opposition has already been filed in present case. It is submitted that this writ petition is filed in premature stage so, same is not maintainable in law.

5. It is further submitted by the learned counsel representing the PF Authority that on the basis of demand, the establishment / the petitioner has paid the entire dues of Rs.4,25,617/- under Section 7Q towards interest. However, with regard to the damages, it was fixed for hearing under Section 14B and for that notice was served. Against that notice, the writ petitioner approached before this Court without attending hearing that is fixed on 16.11.2009 and no assessment of damages has been passed till date by the authority due to pendency of the writ petition. Therefore, direction may be given to the writ petitioner to appear before the P. F. Authority on the

date to be fixed by the P. F Authority for actual assessment of the damages.

6. Having heard the submissions of both sides, this Court also finds that the notice was only served upon the writ petitioner for attending hearing fixed on 16.11.2009 but without appearing, they approached before this Court. It apparently appears that the writ petition has been filed in a premature stage.

7. In the above backdrop, the writ petitioner is given liberty to appear before the Authority for hearing as and when the date fixed by the Authority.

8. The concerned respondent Authority is directed to proceed with the matter in accordance with law keeping in mind the grievances of the writ petitioner and fix a date for hearing after communication of this order and issue a notice afresh to the writ petitioner so that the writ petitioner can appear and ventilate his grievances before the concerned authority. The Authority shall dispose of the assessment in accordance with law after affording opportunity of hearing to the writ petitioner and other necessary parties within eight weeks after first day of hearing. Nothing remains to adjudicated in the present case.

9. With the above observations, the writ petition WPA 17358 of 2009 is thus disposed of. Consequently, connected application, if any, is also disposed of.

10. Interim order, if any, stands vacated.

11. Parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.

11. Urgent photostat certified copy of this judgment, if applied for, is to be given to the parties on priority basis on compliance of all legal formalities.

(Ajay Kumar Gupta, J)

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