

03.07.2025
Item No. 13
Ct. No. 30
AN

WPA 22522 of 2011

**M/s. East India Transport Agency
vs.
EPFO & ors.**

Mr. Soumya Majumder, Id. Sr. Adv.
Mr. Surojit Dasgupta
Mr. Aasish Chowdhury
Mrs. Uma Bagree

... for the petitioner

Mrs. Aparna Banerjee

... for the respondents
E.P.F. Authorities

Heard the parties.

The present writ application has been preferred challenging the order bearing no. A / 045 / WB / 9559 / Damage / 1107 dated 31.12.2009 issued by respondent no. 2, the E.P.F. authorities.

On hearing learned counsel for the parties, it appears that the Presiding Officer of the E.P.F. Appellate Tribunal has remanded the matter back to the authorities with certain observations which the learned senior counsel appearing for the petitioner submits is against the principles of natural justice and shall cause prejudice to the petitioner, in case, if the same is left untouched by this Court.

The observations remanding the case back to the E.P.F. Authorities is as follows:

“11. Thus, in view of the discussion held above, the order of the Authority cannot be sustained. Hence ordered, the case is remanded back to the EPF Authority to assess the liability @ 37% {inclusive of interest}. The appellant is also directed to appear before the Authority within one month of the receipt of this order to place his case, failing which, the Authority may decide the matter as per law. Copy of order be sent to the parties and the file be consigned to record room.”

Accordingly, considering the materials on record and the nature of dispute, paragraph 11 of the said order is modified to the extent that the remand shall be an open remand.

The observations and directions of the Presiding Officer as to assessment of liability upon the E.P.F. Authorities is, thus, set aside.

The writ application is **disposed of**.

The E.P.F. Authorities to proceed expeditiously on merits and in accordance with law by coming to its independent findings.

The petitioner is directed to comply with the notices to appear for hearing to be issued by the authorities.

Pending hearing of the case by the E.P.F. authority, the summon dated 16.06.2025 issued in the interim period be stayed till disposal of the case by the authority as directed.

A copy of the said notice is filed and kept with the record.

Interim order, if any, stands vacated.

Pending applications, if any, stand disposed of.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)