

27.02.2025
Item No.5
BR

WPA 27203 of 2024
Abhishek Engineering
-vs-
Union of India and anr.

Ms. Anita Kaunda,
Ms. Anubrata Dutta

.... For the petitioner

Ms. Aparna Banerjee
... for the P.F.Authority

On hearing the learned counsel for the parties and on perusal of the record, it appears that proceedings before the Assistant Regional Provident Fund Commissioner-Medinipur who issued a summon dated 19.6.2024 has been challenged before this Court.

It appears that the said proceedings has not been concluded as yet.

The petitioner in course of the said hearing made an application for installment facility for payment of the amount levied under Section 14B and 7Q of the E.P.F. and M.P. Act, 1952. The authority

concerned has replied by the letter under challenge by turning down the prayer of the petitioner and stated that in case the order is not complied, recovery action may be initiated.

The summon dated 1st July, 2024 shows that the proceedings has not been completed but the Officer erroneously has decided that 12 per cent per annum interest will be charged on the damages **which has not been assessed by the authority till date.**

The petitioner under a misconception made the prayer for installment to pay the interest.

Considering the said facts, the letter dated 5.9.2024 and 3.10.2024 are hereby set aside being not in accordance with law. The Assistant Regional Provident Fund Commissioner, Medinipur is directed to complete the proceedings within 60 days from the date of this order on hearing the parties and pass an order in accordance with law.

The last paragraph of the summon dated 19.6.2024 is also quashed.

The authority concerned shall pass a fresh order in accordance with law regarding damages, if any, under Section 14(B) of the Act and interest, if any under Section 7Q on the damages afresh.

Accordingly, WPA 27203 of 2024 stands disposed of.

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

(Shampa Dutt (Paul), J.)