

23.12.2025

Court No.10

DL/Item No.-23

[Milan]

**IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side**

WPA 28900 of 2025

**Modern Nursing Home
versus
The Employees Provident Fund Organization,
Government of India & Ors.**

Mr. Lal Ratan Mondal,
Ms. Indrani Mukherjee

....for the Petitioner

1. Affidavit of service filed by the learned advocate for the petitioner in Court today is taken on record.
2. Despite service, none appears on behalf of the respondents.
3. The petitioner challenges, *inter alia*, a notice dated 12.12.2025 issued by the Recovery Officer, RO, Berhampore with regard to the recovery proceeding under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as, "the said Act").
4. The learned counsel for the petitioner submits that already by an order dated 10.11.2025 passed in WPA 24231 of 2025 by this Court the Appellate Tribunal was directed to expedite the hearing within a period of four weeks upon giving an opportunity of hearing to the parties by passing a reasoned order in accordance with law. Pursuant to such direction, the

Appellate authority has already fixed date on 06.02.2026 for hearing.

5. The learned advocate for the petitioner submits that despite the date being fixed for hearing before the Appellate Authority, the petitioner has suffered a notice dated 12.12.2025 from the Recovery Officer for initiating recovery proceedings under Section 7A of the said Act.
6. In view of the above facts and circumstances, the respondent no.8 is restrained from taking any coercive actions in respect of the impugned notice dated 12.12.2025 till the date of hearing of the appeal as fixed by the Appellate Authority.
7. The Appellate Authority shall take up the matter for hearing as per the date fixed by the Tribunal and conclude the same as expeditiously as possible.
8. The order of this Court shall be communicated by the petitioner to the respondent authorities forthwith.
9. In the aforesaid facts and circumstances, the writ petition being **WPA 28900 of 2025** is **disposed of** accordingly.
10. Since, affidavits have not been called for, the allegations, contained in the said writ petition, are deemed to have not been admitted by the respondents.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Smita Das De, J.)