

25.02.2025
Ct. No. 30
S.L No.8
SM

WPA 30463 of 2024
Food Corporation of India & Ors.
Vs.
The Regional Provident Fund Commissioner (C & R), Regional Office & Anr.

Mr. Saptarshi Dutt

Mr. Surajit Basu

Ms. J. Alam

.....for the petitioners

Mr. Avijit Tewary

.....for the respondents

The writ application has been preferred against orders **dated 30th July, 2024**. By the said orders the appropriate authority being the Regional Provident Fund Commissioner II has passed an order in a proceedings under Section 14B of the EPF Act and 7Q of the EPF Act.

The writ petition has been filed on **17.12.2024**. Learned counsel for the EPF authorities has brought the notice of this Court to the relevant provisions of law being **Section 7(I) of the EPF Act** which lays down:-

“7-I. Appeals to Tribunal.-(1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to sub-section (3), or sub-section (4), of Section 1, or Section 3, or sub-section (1) of Section 7-A, or Section 7-B [except an order rejecting an application for review referred to in sub-section (5) thereof], or Section 7-C, or Section 14-B, may prefer an appeal to a Tribunal against such notification or order.”

It appears that the writ application has been preferred beyond the period of 120 days, without preferring an appeal under Section 7(I) of the Act.

As such, it is submitted by the learned counsel for the EPF authorities that the present writ application is not maintainable and is liable to be dismissed.

The learned counsel for the respondent has relied upon the following judgments:-

- (i) *M/s. Port Shramik Co-operative Enterprise Ltd. vs Employees Provident Fund Organisation, Regional Office, Kolkata & Ors., 2017 SCC OnLine Cal 13364.*
- (ii) *Assistant Commissioner (CT) LTU, Kakinada & Ors. vs Glaxo Smith Kline Consumer Health Care Ltd., (2020) 19 SCC 681.*

Learned counsel on behalf of the petitioner at this stage submits that admittedly the writ is barred by limitation and preferring an appeal would also be barred by limitation and as such they had preferred a writ application.

It is now submitted that they do not wish to continue with their prayer challenging the said orders under Section 14B and 7Q of the EPF Act, but pray for easy installments to pay the said amount as directed on the ground that they are not financially sound.

The petitioner herein is the **Food Corporation of India** and as such the ground of financial stability has no substance in this case.

Considering the said materials on record this Court finds that the present writ application has been filed beyond the period of limitation as provided under Section 7(I) of the EPF and as such is prima facie not maintainable.

Writ application stands disposed of with the liberty granted to the petitioner to pray for easy installments before the appropriate authority, who shall consider the same in accordance with law keeping in mind the principle of natural justice.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]