

WPO/411/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ITC INFOTECH INDIA LTD.

-VERSUS-

REGIONAL PROVIDENT FUND
COMMISSIONER AND ANR.

BEFORE:

The Hon'ble JUSTICE SHAMPA DUTT (PAUL)

Date : 19th June, 2025.

Appearance:

Mr. Soumya Majumdar, Sr. Adv.

Mr. Sourav Bhagat, Adv.

Mr. Victor Chatterjee, Adv.

Mr. Jishnujit Roy, Adv.

.... for the petitioner.

The Court: Affidavit of service filed in Court be kept with the record.

The writ application has been preferred challenging two orders both dated 24th March, 2025 passed by the respondent no.1 under Section 14B and 7Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (in short 'EPF Act, 1952) respectively and further the notice dated 2nd June, 2025 issued by the Recovery Officer, EPF Organization, Regional Office, 44, Park Street, 7th & 8th Floor, Kolkata, the respondent no.2 herein.

It is submitted by the petitioner that a writ application has been preferred against the said orders as the Central Government Industrial Tribunal, Kolkata is vacant and there being no Presiding Officer, they are unable to pray for relief against the said orders and the recovery notice.

On hearing the learned senior counsel appearing for the petitioner and on a perusal of the materials on record, it appears that an order under Section 14B of

the EPF Act, 1952 and another order under Section 7Q of the 1952 Act, both dated 24th March, 2025 has been passed by the Regional Provident Commissioner – 1. On 15th April, 2025/2nd June, 2025, the Recovery Officer, EPF Organization has issued a notice of demand to the petitioner. It is submitted that being unable to pray for relief against the orders under Section 14B and 7Q of the EPF Act, the Recovery Officer is proceeding against the petitioner/company and as such, the petitioners are being prejudiced.

Considering the said facts, the writ application is disposed of with liberty granted to the petitioner to prefer a statutory appeal before the CGIT, Kolkata challenging the orders passed under Section 14B and 7Q of the EPF Act both dated 24th March, 2025 and thus being a composite order along with the recovery notice dated 2nd June, 2025. The said appeal be filed within 30 days from the date of this order.

Considering the fact that the CGIT, Kolkata is still lying vacant, the orders under Section 14B and Section 7Q of the EPF Act, 1952 both dated 24th March, 2025 and the recovery notice dated 2nd June, 2025 be stayed till the appeal is taken up by the CGIT, Kolkata.

Liberty is granted to the petitioner to pray for extension of the order of stay as and when the appeal is taken up for hearing.

Accordingly, WPO/411/2025 stands disposed of.

(SHAMPA DUTT (PAUL), J.)