GAHC010227472025

2026:GAU-AS:15006

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6024/2025

SOPANAM ENTERPRISES PVT LTD
REGD. OFFICE AT 3837, GALI LOHE WALI, CHAWRI BAZAR, NEW DELHI-06 AND ITS FACTORY AT KETTELA TEA FACTORY, P.O- BORGANG, DIST- BISWANATH, ASSAM, PIN-784167,
REP. BY ITS MD SUPRIYA PIMCHA, W/O- NAMAN PINCHA, R/O- 33, BALLYGUNJE PARK, KOLKATA-19KOLKATA

VERSUS

THE ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
REPRESENTED BY ITS SECY. CUM PROVIDENT FUND COMMISSIONER, NIDHI BHAWAN, LALMATI, NH 37, BASISTHA, GUWAHATI 781029, ASSAM.

Advocate for the Petitioner : MR M SAHEWALLA, MS K SARMA,MS S AGARWAL,MS K BHATTACHARYYA,MS. S. TODI,MS T J SAHEWALLA,MR H K SARMA,MR G N SAHEWALLA

Advocate for the Respondent : SC, ATEPFO,

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

07.10.2026

1. Heard Mr. G. N. Sahewalla, learned Senior counsel assisted by

Ms. T.More, learned counsel for the petitioner and Mr. N. Patiri, learned counsel appearing on behalf of Mr. J. Borah, learned Standing counsel, Assam Tea Employees Provident Fund Organisation for the sole respondent.

2. The petitioner herein is aggrieved by the non-registration of the petitioner under the Assam Tea Plantations Provident Fund (and Pension Fund) (and Deposit Linked Insurance Fund) Scheme Act, 1955. According to the petitioner, such application is to be decided at the earliest, otherwise, the petitioner may be fastened with other liabilities and may also be subjected to criminal prosecution.

3. It is the further case of the petitioner that in absence of registration, the petitioner has not been able to deposit the provident fund in favour of its workers.

4. The respondent has filed an affidavit and also produced a report giving reasons as to why the application of the petitioner is still under consideration.

5. It is submitted by the learned counsel for the sole respondent that it will require further enquiry before granting of such certificate as there is a dispute as regards the numbers of employees/workers employed by the petitioner.

6. The respondent has raised some questions as regards the liabilities of erstwhile vendors of the petitioner.

7. This Court is not inclined to enter into such dispute, inasmuch as, in exercise of its power of judicial review, this Court, at this stage,

cannot determine the claim and counter claim of the petitioner and the respondent as regards the grant of a registration certificate.

8. This Court is of the further opinion that first the respondent authority is to take a call on the application of the petitioner at the earliest and render a decision. Thereafter, in the event, the petitioner is aggrieved with such decision, this Court of course can determine the validity of such determination, but not at this stage, when the matter is pending before the competent authority. The competent authority is also under bounden duty to consider such application at the earliest.

9. In view of the aforesaid, this writ petition stands disposed of by directing the respondent authority to complete the enquiry and take a call on the application of the petitioner, either to grant such registration certificate or not to grant registration certificate to the petitioner and the same shall be passed by way of a Speaking Order and shall furnish a copy of it to the petitioner.

10. It is provided that the aforesaid exercise shall be completed within a period of **four weeks** from the date of receipt of a certified copy of the order passed today to be furnished by the petitioner before the sole respondent.

11. Accordingly, this writ petition stands disposed of.

JUDGE

Comparing Assistant