

21.01.2026
Item No.09
BR

WPA 332 of 2026
M/s. Rahaman HP Gas Agency and
another
-vs-

Assistant Provident Fund
Commissioner,EPFO, Berhampore and
another

Mr. Uddipan Banerjee,
Mr. Subhrakanti Samanta,
Mr. Asif Iqbal
... for the petitioner

Mr. Avitjit Tewary
... for the respondents

1. As per leave granted supplementary affidavit is filed by the petitioner.
2. The writ application has been preferred challenging a notice dated 16th December, 2025 issued by the Recovery Officer, RO, Berhampore giving intimation regarding recovery proceedings under Section 14B in respect of M/s. Rahaman HP Gas Agency having PF Code NO. JLJNG00045800000.
3. It appears that the said recovery notice has been issued for recovery of the damages assessed under Section 14B of the EPF Act.

4. It appears that an EPF Appeal bearing no. 10 of 2024 is pending before the Central Government Industrial Tribunal , Kolkata since 25.6.2024 challenging the order under Section 14B and 7Q of the EPF Act.
5. The matter is still pending consideration of the Central Government Industrial Tribunal, Kolkata as there is no regular Presiding Officer at present.
6. As such it appears that in spite of the pending appeal the respondent authorities have proceeded to issue the recovery notice dated 16.12.2025 which is prima facie against principles of natural justice and also an abuse of the process of law.
7. Accordingly, on hearing the learned counsels for the parties, the writ application is disposed of with the direction that there shall be an order of stay in respect of the notice dated 16.12.2025 and the recovery proceedings initiated by the respondent authorities till the application for stay is taken up by the learned tribunal.
8. WPA 332 of 2026 stands disposed of.

9. 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.)