

01.07.2026
Ct. No. 30
Sl. No.22
skg

WPA 8495 of 2025

**M/s. City Queen Gas Services & Anr.
Vs.
The Regional Provident Fund
Commissioner & Ors.**

Mr. Swarup Paul, Adv.
Mr. Guru Saday Dutta, Adv.

...for the petitioner

Mr. Avijit Tewari , Adv.

...for the respondents

1. The writ application has been preferred challenging order dated 24.03.2025 under Section 7A of the E.P.F. Act as well as the Recovery Notice dated 03.04.2025.
2. A co-ordinate Bench while recording the order dated 29.04.2025, noted that an order under Section 7A of the E.P.F. Act is subject to appeal but granted protection to the petitioner as the petitioner apprehended that said order under 7A EPF Act would be put into effect.
3. It appears from the materials on record that the petitioner in the writ application in his prayer has also challenged the recovery notice dated 03.04.2025 which proves that order dated 24.03.2025 under Section 7A of the E.P.F. Act has already been put into effect and the same laid to the recovery notice. Both the said orders are appellable orders and admittedly without approaching the appellate tribunal the

petitioner has approached the High Court on 10.04.2025 i.e. within the period of appeal. As such the petitioner could have easily preferred an appeal without approaching the High Court. The writ application was filed within period of limitation.

4. On hearing the learned Counsels for the parties and on perusal of the materials this Court is of the view that the petitioner should approach the appellate tribunal for his grievances as raised in the present writ application. Such conduct by passing the appropriate forum and approaching the High Court in the writ jurisdiction should not be encouraged.
5. Considering the fact that the petitioner was pursuing his relief before this Court within the period of limitation. The writ application is disposed of with liberty granted to the petitioner to file the appeal before the appellate forum within 30 days from the date of this order. The issue of limitation has already been taken care of this order by this Court and as such is not to be gone into by the learned tribunal.
6. Accordingly, the impugned order dated 24.03.2025 be stayed till the matter is taken up by the tribunal for consideration. In view of the fact that admittedly, at present the tribunal does not have any Presiding Officer. It is made clear that in case no appeal is

preferred within the period as directed by this Court.

The order of stay shall stand automatically vacated.

7. The writ application being **WPA 8495 of 2025** stand disposed of.
8. Parties to act on the server copy of this order.
9. Let a copy of this order be sent to the concerned Courts for immediate compliance.

[Shampa Dutt (Paul), J.]