

20.05.2026
Item No.5
Ct. No. 30
Aloke

WPA 10835 of 2026

Prasun Karati
Vs.
The Union of India & Ors.

Ms. Suman Sehanabis
Ms. Mousumi Bhowal
...for the petitioner

Mr. Dwijadas Chakraborty
Ms. Rama Chakraborty
... for the Union of India

Mr. Mihir Kund
Mr. Abhisek Banerjee
... for the P.F. Authorities

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred being aggrieved with the conduct of the respondent authorities who have passed orders for attachment of the petitioner's bank account and the petitioner's bank has informed the petitioner about the said attachment vide a letter dated 07.04.2026.
3. The petitioner herein is aggrieved with an order passed under Section 7A of the EPF Act on 27.01.2022 by the respondent authority.
4. The petitioner made an application before the authority concerned on 16.02.2022, praying for leave to prefer a review application.
5. It appears that **the authority concerned vide an order dated 04.03.2022, has disposed of the petitioner's application for leave/time by treating the same as an application under Section 7B of the Act.**

The said conduct of the authority concerned prima facie shows that the authority concerned has not even read the application while considering to dispose it of. Such conduct on the part of a person holding a responsible post as an authority is most unfortunate. Surprisingly, the officer being the Regional Provident Fund Commissioner-II has categorically noted that *“no cogent reason is found to interfere with the 7A order in respect of the 7B application.”*

6. Thus an order rejecting an application for leave was passed on 04.03.2022, deciding the same as a review application under Section 7B of the Act.

7. The petitioner filed an application under Section 7B on 24.03.2022, long after the order impugned.

8. An appeal was then preferred against the order under Section 7A of the Act before the Tribunal, wherein the Tribunal was also of the view that the application under Section 7B is still pending for hearing.

9. Finally, the authority being the Assistant Provident Fund Commissioner, vide an order dated 25.07.2023 was of the following view :

“(iii) A proposal of the 7A order indicates that the role and responsibility of the principal employer was not looked into seriously and this appears to be a serious lapse as part of the then Assessing Authority.

(iv) Further with reference to C617 order dated 20.03.2023 and specially with respect to the directions at page 7 and 8 of the said order I fit it a fit case to be revived under 7B of the Act.

Department is directed to put up file accordingly to the next higher authority for his approval.”

10. Thus, this Court finds that the application under Section 7B is still pending before the authority for hearing. Accordingly, the authority concerned, **other than** the authority being Mr. Rahul Varma, shall hear the application under Section 7B of the EPF Act dated 04.03.2022 being a review application, in accordance with law and on hearing the parties, dispose of the same, by passing a reasoned order, within 60 days from the date of communication of this order.

11. The order of attachment of the bank account is accordingly revoked, as the same is not in accordance with law.

12. WPA 10835 of 2026 stands disposed of.

13. Connected application, if any, stands disposed of.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)