

21.05.2026
Item No.8
Ct. No. 30
Aloke

WPA 11479 of 2026

Nilanjan Roy & Anr.

Vs.

Employees' Provident Fund Organization & Ors.

Mr. Ranjay De, Id. Sr. Adv.
Mr. Sumanta Biswas
Mr. Bikash Shaw
Mr. Sk. S.N. Islam
Mr. Anurag Sarda
... for the petitioners

Ms. Aparna Banerjee
... for the P.F. Authority

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging an order dated **12.04.2023** under Section 7A and an order dated 09.01.2025 under Section 7B of the EPF Act. The said orders are appealable orders.
3. But the petitioners instead of preferring statutory appeals have approached the writ Court on the ground that the enforcement officer in his order dated 07.05.2025 noted as follows :-

“.....Basically the payments made to BOT a/c amounting to Rs.82,88,967/- has not taken into account in the 7A.....”

and that on the basis of the said observation of the enforcement officer, the respondent authority being the Regional Provident Fund Commissioner-I, passed an adjustment order on 20.05.2025.

4. It is submitted by the learned counsel for the petitioner that no opportunity of hearing was granted to the petitioner while making the said adjustment, though admittedly the petitioner does not have the same grievance in respect of the orders under Section 7A and 7B of the EPF Act.

5. It further appears that admittedly no appeal has been preferred in respect of the said orders dated **12.04.2023 and 09.01.2025**.

6. On hearing the learned sr. counsel for the petitioner and the learned counsel who appears for the EPF authority, who submits that the petitioner may be directed to deposit the admitted amount as no appeal has been preferred for last 3 years and the writ application filed challenging an order dated 20.05.2025, after one year, be dismissed.

7. Considering the facts and circumstances of the case and on hearing the learned counsels for the parties, it appears that admittedly, the petitioner was not been heard when the adjustment order was passed, though the said order is only a technical matter, but in the interest of justice, the petitioner has a right of hearing but only in respect of the adjustment amount.

8. Considering that no appeal has been preferred against the orders dated 12.04.2023 and 09.01.2025 till date and the challenge to the order dated 20.05.2025 has been made admittedly after one year, the said order dated 20.05.2025 in the interest of justice be set aside, with a direction to the authority concerned to give an opportunity of hearing to the petitioner in respect of the **adjustment hearing only** and the matter be disposed of within 30 days from the date of communication of this order in accordance with law.

9. Considering that the orders under Section 7A and 7B of the EPF Act remain unchallenged and in force till date, as no appeals have been preferred, even after more than 3 years and 1 ½ years respectively, the petitioner shall deposit the assessed amount under Section 7A of the EPF act, less the amount, which is subject to adjustment before the respondent authority concerned by way of a fresh hearing in respect of the order dated 20.05.2025.

10. As the learned senior counsel appearing for the petitioner prays for instalments to make the said payment as directed the petitioner is at liberty to pray for installments before the respondent authority

and the authority shall consider the said prayer, in accordance with law.

11. Accordingly the petitioner herein is directed to approach the authority concerned within 15 days from the date of this order with his prayer for instalments in respect of the said amount directed to be deposited.

12. The petitioner has further prayed for certain documents from the RPF authorities which the petitioner claims is for his records, as the same are not available with him.

13. Considering the said prayer, the petitioner is granted leave to approach the appropriate authority under the appropriate Act for such documents and/or information.

14. The petitioner has also placed an order dated 19.03.2026, issued by the recovery officer, Barrackpore, to recover the dues adjudicated under Section 7A of the EPF Act.

15. Considering that the petitioner has been directed to approach the authority within 15 days, the said order dated 19.03.2026 is stayed for 15 days, with liberty granted to the petitioner to pray for appropriate relief in respect of the recovery notice dated 19.03.2026 before the respondent authority, who shall consider the same in accordance with law.

16. The writ application accordingly stands disposed of with the observation, that this Court has not gone into the merits of the case.

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

18. 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.)