

07.01.2026
Item No.08
BR

WPA 27 of 2026
Bhagirathi Co-operative Milk Producers
Union Limited
-vs-
Employees Provident Fund Organisation

Mr. S.K. Singh,
Mr. Rabi Kumar Dubey
...for the petitioner

Mr. Avijit Tewary,
..... for the P.F.Authority

1. Affidavit of service filed by the petitioner be kept with the record.
2. The writ application has been preferred challenging the order under Ref: PFO/RO/BER/Damages/0016052/2024/2903 dated 30.10.2024 passed by Assistant Provident Fund Commissioner (Damages), inter alia , levying damager to the tune on Rs. 7,28, 808/- and letter/memo under Ref. No. FPFO/RO/BER/RECOVERY/16052/2025-26/1917 dated 16.12.2025 issued by the Recovery Officer, Berhampore, received by your petitioner on 20.12.2025.
3. It is submitted by the learned counsel for the petitioner that notice for recovery under Section 14B and 7Q of the EPF Act has been issued by the

Recovery Officer, Berhampore vide a notice dated 16.12.2025 in spite of the fact that an appeal is pending against the said orders before the Central Government Industrial Tribunal at Kolkata being appeal No. 25 of 2024.

4. It appears that the said appeal is still pending but in spite of the pending appeal Officer has proceeded for recovery. Admittedly, there is no regular Presiding Officer at the CGIT, Kolkata at present. Thus the writ application.

5. It has been noted by the Recovery Officer that in the absence of proof of payment or a stay order, his office shall be constrained to proceed with recovery under Section 8B to 8G of the Act without further reference

6. In view of the said fact the notice dated 16.12.2025 is stayed till disposal of the stay application filed before the Central Government Industrial Tribunal, Kolkata in due course.

7. WPA 27 of 2026 stands disposed of.

8. 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.)