2026:DHC:2657

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 24.03.2026***

\+ **W.P.(C) 15055/2025**

ARGHA BASU .....Petitioner

Through: Mr. Amit Pawan, Mr. Hassan Zubair Waris, Ms. Shivangi Singh Rawat and Ms. Aastha Shrestha, Advocates.

versus

EMPLOYEES PROVIDENT FUND ORGANIZATION & ORS. .....Respondents

Through: Mr. Kamal Kant Jha, Mr. Aishwarya Deep Singh and Ms. Aakriti, Advocates for EPFO.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*Oral*)

1. The present petition has been filed by the petitioner seeking that Employees' Provident Fund Organization (EPFO) be directed to release the provident fund dues of the petitioner as also pension fund dues along with the statutory interest, from 17.02.2017 till date of payment to the petitioner.

2. It is the case of the petitioner that the entire accumulated provident fund of the petitioner was fraudulently withdrawn from the EPFO way back in April, 2017.

3. The petitioner initially approached this Court, by way of a writ petition, being W.P.(C) 12256/2019, whereupon, directions were issued to the EPFO *vide* order dated 20.11.2019 to consider the writ petition as a representation.

4. Pursuant thereto, an order dated 19.12.2019 came to be passed by the

EPFO, in which, it was, *inter-alia,* observed as under:-

> *"E. Taking a holistic view of the case of Mr. Argha Basu, I see that the claim was settled correctly basing on the claim form duly authenticated by the Authorized Representative of the Establishment. The dispute raised subsequently is in the process of verification, The aggrieved during this period has been continuously seeking redressal through available forums including through a writ petition to the Hon'ble Delhi High Court.*
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> *For any re-authorization to be done, there is a requirement of re-crediting the amount to the member's EPF account which currently has no balance. To do this, the available option with EPFO is through recovery of the amount which allegedly has been paid to a wrong account or through release of funds as a special case through Special Reserve Fund (SRF) that requires sanction of the Head Office. This is supposedly pending, because of non-conclusion of an investigation prescribed for such purposes,*
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> *In the limited available time to the undersigned, communication was also made to the Head Office to understand the progress made, if any, in this regard. It is yet to be confirmed to this office, if the claim of Mr. Argha Basu has been finally found as a case of fraudulent payment.*
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> *In the scenario above, I do not see any deliberate design to not give desired justice to the aggrieved. Giving a benefit of doubt, I sympathize with the picture presented by the aggrieved, but for the procedural compulsions, the claim cannot be re-settled for want of a confirmation of an actual fraud being committed in accordance with the procedures laid down for the purpose, The current situation appears to be not going in favour of Mr. Argha Basu for the time being as the claim was attested by the Authorized Representative of the establishment which is the only source for the department to identify an EPF member. The claim of Mr. Argha Basu, as per the available information, was settled as per the procedures laid.*
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> *In my considered view, I conclude that re authorization to Mr. Argha Basu can be done, only after conclusion of the investigation that proves that the claim settled by EPFO in his name is a fraudulent payment as per the procedures in place to deal with such exceptional circumstances.*
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> *The representation is, accordingly, disposed-off.*
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> *Sd/- [Uttam Prakash] Regional Provident Fund Commissioner-I,*
> *EPFO Delhi West"*

5. Pursuant thereto, an FIR bearing FIR No. RC0032020A0030 dated 11.09.2020 came to be registered at the behest of the EPFO, wherein, it was recorded as under:-

> *"12. First information contents:*
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> *A written complaint dated 15.07.2020 of Mrs. Nisha O.V., Regional PF Commissioner-I(Vlg.), EPFO, Vigilance Division, Head Office(UG Floor), HUDCO Vishala, Bhavishya Nidhl Bhawan, 14-Bhikaji Cama Place, New Cell- 110056 has been received In CBI/ACB/New Delhi-110003 on 24.07.2020 is reproduced below.*
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> *The Employees' Provident Fund Organization (which functions under the administrative control of Ministry of Labour & Employment, Government of India) has been entrusted with the responsibility to administer/ enforce the provisions of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 across the country. The organization is also responsible for the maintenance of the PF accounts of its members/subscribers and make settlement of the PF account when the PF members applies for final settlement of his/her account.*
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> *The Financial Advisor S. Chief Account Officer of the EPFO vide UO Note No. W5U/42(2)2017/ZFRMC(NZ) 22394 dated 29.12.2017 reported a case of fraudulent settlement of Provident Fund and Pension Fund amounting to Rs.86 lakhs (approx.) from PF A/c No. Dl/36793/4735 of Sh. Argha Basu, an ex-employee of M/s Bharti Airtel Ltd at Regional Office, Delhi (North). The matter has also been investigated by Addl. Central PF Commissioner (Delhi & Uttarakhand) and Regional PF Commissioner-I, Regional Office, Delhi (North). Since the Investigation reports were not convincing, the Vigilance Directorate of EPFO took up the matter and conducted its own investigation. The Investigation Report dated 5.2.2018 along with the relevant documents of the case is enclosed herewith for ready reference.*
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> *From the Investigation conducted in the matter, prima facie, it is established that the fraudulent settlement of provident Fund and Pension Fund in respect of Sh. Argha Basu, PF A/c No- DL/36793/4735 has been committed with possible/probable connivance of the officials/officers of EPFO, the establishment M/s Bharti Airtel Ltd and Canara 8ank, Uttari Pitampura Branch, Delhi. The following officials of EPFO have been suspected to be involved against whom the permission u/s 17A of PC Act has been provided by the competent authorities-*

S. No.	Name of the official	Designation	Name and designation of the Competent Authority permission u/s 17A of the PC Act, 1988
1.	Smt. Damyanti Bara	Accounts Officer	Shri Sunil Barthwal (IAS), Central Provident Fund Commissioner
2.	Shri Vikas Malik	Social Security Assistant	Ms. Nidhi Singh, Regional Provident Fund Commissioner-I, Regional office, Delhi (North)
3.	Shri Sunny Arora	Social Security Assistant	Ms. Nidhi Singh, Regional Provident Fund Commissioner-I, Regional office, Delhi (North)
4.	Shri Naveen Saroha	Social Security Assistant	Ms. Nidhi Singh, Regional Provident Fund Commissioner-I, Regional office, Delhi (North)
5.	Shri Anil Kumar Pal	Social Security Assistant	Ms. Nidhi Singh, Regional Provident Fund Commissioner-I, Regional office, Delhi (North)
6.	Shri Nitin Sharma	Social Security Assistant	Ms. Nidhi Singh, Regional Provident Fund Commissioner-I, Regional office, Delhi North)

As such it appears that the case involves suspected criminal misconduct and criminal conspiracy between public servants and private persons. Therefore a detailed investigation report and appropriate legal action against the persons involved by CBI Is felt to be more appropriate, it i$ requested that the CBI may like to take up the case for detailed Investigation and further necessary action.

The allegations mentioned in the complaint prima facie disclose the commission of cognizable offence punishable U/s. 120-B r/w 420,467,468, 471 IPC and section 13(2) r/w 13(1)(d) of PC Act, 1988 on the part of Smt. Damyanti, Bara the then Accounts Officers, 5h. Vikas Malik, Sh. Sunny Arora, Naveen Saroha, Anil Kumar Pal and Nitin

Sharma, all SSAs of Regional Office, Delhi (North) EPFO, New Delhi, unknown officials of M/s Bharti Airtel Limited and Unknown officials of Canara Bank, Uttri Pritam Pura, New Delhi. Therefore, this Regular Case is registered and entrusted to Sh. Ranjit Kumar, DSP CBI, ACB, New Delhi for Investigation and requisite report thereof."

6. Subsequent thereto, the matter was investigated by the CBI and a charge-sheet came to be filed on 23.08.2024. The same concludes as under:-

"16.5 The said application was received in the Receipt Section of EPFO (North), Wazirpur Office on 17.02.2017. After making necessary entries, the application was sent to EDP Section, EPFO along with other applications/withdrawal forms. However, the said application reportedly got misplaced and was not processed further in the EDP Section of EPFO Wazirpur Delhi. Investigation has revealed that as per practice in vogue, there was no proper system of handing over/taking over of dak between receipt Section and EDP section. There was no such record prepared by either Receipt Section or EDP Section to establish which dak were actually received by the Dealing Hand in EDP section from Receipt Section, EPFO. It is revealed that Sh. Sunny Arora and Navin Saroha had dealt with the applications received in EDP section from Dak Section on 17.02.2017. However, for want of any handing over/taking over details, it could not be established that application of Sh. Argha Basu was received by them and they deliberately did not process the same.

Investigation further revealed that 2nd withdrawal application in the name of Sh Argha Basu mentioning same adhar number, pan card, service particulars number as mentioned in the 1st application form was received in the office of M/s Bharti Airtel Ltd. However, the residential address, bank account number, was different from the 1st application form. The said application including fictitious address, bank account details etc. were filled-up by accused Sh Ram Singh in his own handwritings. It is revealed that signatures of Sh. Argha Basu on the 2nd application have been forged. Besides the bank details also pertains to an account opened by some unknown person at Canara Bank, Uttri Pitampura Branch, New Delhi, impersonating as Sh. Argha Basu. The forged application with incorrect details, was filled up and processed by accused Ram Singh when it was in his knowledge that the 1st application duly filled-up by him, was not returned or any objection raised by EPFO. Further, the correct details regarding address and bank details of Sh. Argha Basu were available to him in the scanned record of copy of 1st application of Sh Argha Basu. He, still deliberately filled-up false and wrong details in the 2nd application form and did not cross check the same with 1st application. Further, he processed the 2nd application *when 1st application was still pending with EPFO.*

16.7 It is further revealed that the forged 2nd application of Argha Basu for withdrawal of PF amount, purportedly signed & stamped by Sh. K.P. Sharma, Asitt. Manager (HR), Ms Bharti Airtel (authorized signatory), was received in EPFO (North), Wazirpur on 06.04.2017. During investigation, it is revealed that signatures of Sh. K. P. Sharma on the said application have been forged.

16.8 Investigation further revealed that copy of Aadhar Card and PAN Card having same numbers matching with original Argha Basu, but having different residential address and bank details were enclosed with forged application. The residential address was mentioned in this form as Flat No.389, RU Block, Pitampura, New Delhi-110034 and bank account as Canara Bank A/c No. 6379101000077 of Uttari Pitampura Branch, New Delhi.

16.9 The said application was not entered in the Inward Register maintained by Receipt/Dak Section, but bears stamp of 06.04.2017 as Dak. The application was processed directly in EDP Section by Sh Anil Kumar Pal, the then SSA EPFO (North). There was no occasion for Sh. Anil Kumar to suspect the forged application as the 1st application of Sh. Argha Basu was never processed by him. Further, he has no access to online information, if any, regarding address, bank details etc. of Sh. Argha Basu as alleged in the FIR.

16.10 Sh. Anil Kumar checked online the concerned section for final settlement of the claim and forwarded the same to Accounts Section, where it was dealt by Sh Nitin Sharma, the then SSA. He cross-checked the details of the claimant in application form with Form-9 already available with him and sent by M/s Bharti Airtel Ltd. The Form -9 did not contain any bank details or address of the claimant and as such there was no occasion for Sh. Nitin Sharma, SSA to cross-check these details, which were actually forged to commit the fraud.

16.11 It is further revealed that after processing, Sh. Nitin Sharma forwarded the application to Smt. Damyanti Bara, the then Accounts Officer, who passed the claim in routine manner on the recommendations of Sh. Nitin Kumar. It is revealed that the information regarding address and bank details of the claimant were not available with EPFO including Ms Damyanti Bara.

16.12 Investigation did not reveal anything incriminating against above named EPFO officers regarding the allegation that they did not deliberately process the original claim form dated 17.02.2017.Further investigation also did not revealed that they have deliberately processed *the purported forged Application dated 06.04.2017, which was enclosed with the forged Adhar Card & PAN Card in the name of actual victim Argha Basu, however, they acted in a gross negligent manner while processing the bill in question.*

16.13 Investigation revealed that on 10.04.2017, EPFO Office passed the claim in favour of fake Argha Basu and amount was credited in the Account No. 6379101000077 of Canara, Uttri Pitampura Branch Delhi. It is revealed that the said account was opened by an unknown person on 15.03.2017, by using forged copies of Aadhar Card and PAN Card in the name of Argha Basu having same genuine adhar number & pan number of original Argha Basu but with different residential address and managed to withdraw cash Rs 75 Lac (Approx) from Bank.

16.14 Investigation has revealed that the said bank account was allowed by Sh. Ajay Kumar Meena, the then Branch Manager. It is further revealed that it was a small branch opened recently and had no biometrics facilities to cross check genuineness of Aadhar Card etc. to verify KYC details. Further, photograph on photocopy of the Aadhar card is blurred and not clearly identifiable. The image of the person, who withdrew money from the bank, was captured in CCTV Camera placed in the bank. which confirms that the person withdrew the amount was not original Argha Basu. The identity of the person could not be established.

16.15 It further revealed that before allowing withdrawal of cash of Rs 75 laks, the branch Manager sought clarification from Regional Office, Canara Bank as to whether withdrawal of such huge cash was permitted. It was informed that as per prevalent RBI guidelines there was no bar/limit on withdrawal of amount in cash by the account holder.

16.16 Investigation revealed that efforts were made to trace the person who opened the said bank account impersonating as Sh. Argha Basu. The Competent authority in CBI has approved reward of 50,000/- to be paid to the person, who will provide any credible information about the whereabouts of that person. Information about the fake Argha Basu has also been published in one English & one Hindi news paper dated 16 July 2023. Further, data available online of National Crime Record Bureau (NCRB) and State crime record Bureau (SCRB) was cross checked through Face Recognition System (FCR). Customer Application Form (CAF) and CDR of mobile phone mentioned in the fictitious bank account were also verified. Local enquiries from addresses given in the bank account, CAF etc. were also made. However, no useful information about identity and current whereabouts of the person who impersonated as sh. Argha Basu could be gathered.

16.17 During Investigation Layered voice Analysis (LVA) Test of 09 suspected officials/officers including FIR named and others persons namely Sh Sunny Arora, Sh Naveen Saroha, Sh Anil Kumar Pal, Sh. Nitin Sharma, Mr. Vikash Malik, Sh Krishan Pal Sharma, Sh Ram Singh, Sh Bhagat Singh Dagar, Sh Ajay Kumar Meena the then Br Manager Canara Bank, conducted at CFSL Lodhi Road. Based on LAV test, polygraph test in respect of three suspects namely Sh Nitin Sharma, Sh Bhagat Singh Dagar and Sh Ajay Kumar Meena was conducted, but nothing deceptive/suspicious revealed against them. Accused Sh Ram Singh did not give his consent for the Polygraph test.

16.18 Investigation revealed that accused Sh Ram Singh had attended 2nd claim form without verifying that why 2nd form was submitted when 1st claim form of Sh Argha Basu was processed by him. Investigation revealed that 1st claim form of Argha Basu filled by accused Sh Ram Singh and 2nd claim form was also filled by him. The address and bank details of both claim form were different, he has not brought the said fact to his senior officers about change of bank details, mobile and address of the Argha Basu, which was submitted within a period of one and half month.

16.19 Investigation revealed that mobile hand set used for mobiles phone number mentioned in the 2nd application form and bank account details in the name of Argha Basu, was purchased from Najafgarh area, which is near to the residential address of accused Sh Ram Singh.

16.20 During Investigation, opinion of handwriting expert on questioned writings/signatures of Ram Singh, Sh Krishan Pal and Sh Argha Basu on both application forms, was taken. The expert confirmed handwritings of accused Ram Singh on both the applications including the 2nd forged application. It confirms that the said forged application was filled -up by accused Ram Singh. As regard to signatures of Sh, Krishal Pal Singh, as Authorized Signatory and Sh. Argha Basu, Claimant, on 2nd application form, the Expert of CFSL in its first report opined that same belonged to them.

However, during investigation Sh. Argha Basu claimed that as on 06.04.2017, when the application was received in EPFO, he was out of country. Further, Sh. K.P. Singh had also denied his signatures on the on 2nd application form. Accordingly, to rule out any error in opinion of the CFSL Expert, the questioned documents were sent again to CFSL for second opinion. Additional admitted/specimen signatures of Sh. Argha Basu and Sh. Krishan Pal Singh were also sent to CFSL.

This time, CFSL constituted a Board comprising of Handwriting Experts.

> *The Board reversed opinion of earlier expert and opined that authorship of questioned signatures on 2nd application form, is not attributed to Sh Argha Basu and Sh. Krishal Pal Singh and as such same have been forged. However, CFSL confired the writing of Ram Singh in both the application forms. It further corroborates 12 role of accused Ram Singh, who filled-up and processed the forged 2nd application as well as the original application.*
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> *16.21 The aforesaid facts & circumstances disclosed the commission of offences punishable under sections u/s 420, 468 and 471 IPC on the part of accused Ram Singh, the then Dealing Hand/Associate, M/s Bharti Airtel LTd. The investigation did not reveal anything incriminating against any of FIR named accused persons.*
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> *16.22 It is most respectfully prayed that accused Ram Singh may be summoned and tried as per provision of law for the offence mentioned above or for any other offences constituted by the facts and circumstances discussed above."*

7. As such, the investigation appears to have established that the petitioner was the victim of the fraud. It is noticed that in the counter-affidavit filed on behalf of the EPFO, it has stated as under:-

> *"Further it is submitted that there is a SRF fund in EPFO which is used for cases like the present. If the petitioner's stands that his life savings have been fraudulently withdrawn from EPFO then reauthorization of the case can only be done subject to fulfilment of conditions after completion of investigation where the conclusion regarding happening of fraudulent activity on the part of the Departmental officials leading to non-receipt of payment by the petitioner shall be identified. And as has been stated in the preceding paragraphs the case is under investigation by Central Bureau of Investigation (CBI) and no final conclusive report has been received from the said agency."*

8. Considering that the perpetuation of fraud against the petitioner has now been substantiated, the respondent/ EPFO is directed to take the course as suggested in the order dated 19.12.2019 and also, as averred in the counter-affidavit filed by them.

9. Consequently, the EPFO is directed to take steps to process the case for the release of the provident fund dues to the petitioner by taking recourse

to the SRF fund, which is admittedly to be used for cases like the present.

10. Let the requisite steps be taken by the respondent/ EPFO within a period of 12 weeks from today.

11. The petition is disposed of in the above terms.

SACHIN DATTA, J

MARCH 24, 2026/r