

Vs. Union of India and ors.Respo

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Court : Kolkata

Decided On : Sep-25-2012

Judge : Dr. Sambuddha Chakrabarti

Respondent : Union of India and ors.Respo

Judgement :

W.P.No.743 OF 201.IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction Original Side M/S.MEDICLUE RESEARCH DIAGNOSTICS PVT.LTD.& ANR.

Versus UNION OF INDIA & ORS.Petitioners Respondents BEFORE: The Hon'ble JUSTICE DR.

SAMBUDDHA CHAKRABARTI Date :

25. h September, 2012.

For the Petitioners : For the Respondents : THE COURT Mr.Ranajit Roy, Advocate Mr.Anil Gupta, Advocate : Let the affidavit of service filed in Court today be kept on records.

This writ petition is directed against an order dated section 30th May, 2012 passed by the respondent No.4 under 7A of the Employees Provident Fund & Miscellaneous Provisions Act, 1952 (in short, the Act).By the said order, the respondent No.4 after giving the petitioners an opportunity of being heard

determined the dues payable by the petitioner No.1 to the tune of Rs.24,28,670/- which is inclusive of interests under section 7Q of the said Act.

The petitioners grievance is that after passing this order, the respondent No.2 herein had issued a notice under Section 8F of the Act upon the banker of the petitioner No.1, inter alia, directing deduction of the said amount from the account the petitioner has with its banker.

Mr.Roy, the learned advocate for the petitioner has very fairly conceded respondent-authorities the and dues he is determined the questioning not by the amount payable by the petitioner No.1.

All that he prays is for grant of some instalments to liquidate the dues of the Provident Fund authorities which the petitioners cannot pay all at a time because of the stringent financial condition that the petitioner No.1 is passing through.

Mr.Gupta, the learned advocate appearing for the respondent-Provident Fund authorities has no objection to the amount prayer made payable altogether.

This on by the account is a petitioners of Account reasonable stand provided No.1 is taken by the paid the Provident Fund authorities.

Instead of keeping the petition pending, the writ petition is petitioners disposed to of by liquidate giving the liberty entire to the sum of Rs.24,28,670/- by instalments.

It is made clear that the entire dues amounting to Rs.9.37,958/- on account of Account No.1, that is, employees contribution should be paid within a period of four weeks from today.

On such payment being made, the petitioners will be at liberty to liquidate the balance amount as determined by the respondent No.4 in 14 equal monthly instalments and the to be paid by the 7th of fiRs.of such instalment is November, 2012 and the subsequent instalments in 13 equal monthly instalments are to be paid by the 7th of each succeeding month.

There shall be an unconditional stay of operation of the order dated May 13, 2012 for a period of four weeks from today.

This stay shall continue if the amount on account of employees contribution is paid within the period of payment four being weeks made, as the indicated before.

unconditional On stay such shall continue till the liquidation of the entire sum.

In default of payment of any single instalment the interim without any Authorities order further shall automatically reference to the stand Court vacated and the will be at liberty to proceed with the matter in accordance with law.

Since without this writ petition is being disposed of calling for an affidavit, all allegations contained therein are hereby deemed to have been denied by the respondents.

The writ petition is disposed of accordingly.

Photostat available to certified the parties copy upon of this order compliance be of made usual formalities.

(DR.

SAMBUDDHA CHAKRABARTI, J.) Rs.AR(CR)

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