

GAHC010256612025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6613/2025

THE BAGASA PLANTATION PVT. LTD.
REPRESENTED BY ITS MANAGING DIRECTOR, HAVING ITS REGISTERED
OFFICE AT ALHAJ SABRY AHMED CENTRE, P.O. RATANPUR, DIST.
DIBRUGARH, ASSAM, PIN- 786001.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
LABOUR AND EMPLOYMENT DEPARTMENT, DISPUR-6, KAMRUP, ASSAM

2:THE ASSAM TEA EMPLOYEES
PROVIDENT FUND ORGANISATION
REPRESENTED BY ITS SECRETARY CUM PF COMMISSIONER
HAVING ITS OFFICE AT NIDHI BHAWAN
BASISTHA
LALMATI
NH-37
GUWAHATI-781029
KAMRUP METRO
ASSAM

3:THE CHAIRMAN
BOARD OF TRUSTEES
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
NIDHI BHAWAN
BASISTHA
LALMATI
NH-37
GUWAHATI-781029
KAMRUP METRO
ASSAM

4:THE SECRETARY CUM PF COMMISSIONER
BOARD OF TRUSTEES
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
NIDHI BHAWAN
BASISTHA
LALMATI
NH-37
GUWAHATI-781029
KAMRUP METRO
ASSAM

5:THE RECOVERY OFFICER
ATEPFO
TAZPUR ZONE
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
NIDHI BHAWAN
NIKAMUL SATRA
MAZGAON
TEZPUR
DIST. SONITPUR
ASSAM
PIN- 784154.

6:THE FUND CONTROL OFFICER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION
NIDHI BHAWAN
B.B. ROAD
AMOLAPATTY
P.O. AND DIST. NAGAON
ASSAM
PIN- 782003

Advocate for the petitioner(s): Mr. KN Choudhury, Senior Advocate
Mr. K Kalita

Advocate for the respondent(s): Ms. U Das, Addl. Senior Govt. Advocate
Mr. R Sarmah for respondent Nos.2 to 6

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

24.11.2025

Heard Mr. KN Choudhury, the learned Senior Counsel assisted by Mr. K Kalita, the learned counsel appearing on behalf of the petitioner.

2. Issue notice making it returnable on 17.12.2025.
3. Ms. U Das, the learned Additional Senior Govt. Advocate, Assam appears and accepts notice on behalf of the respondent No.1 and Mr. R Sarmah, the learned counsel appears and accepts notice on behalf of the respondent Nos.2 to 6. Extra copies of the writ petition be served upon them during the course of the day.
4. The petitioner herein has assailed the order dated 10.11.2025 issued by the Chairman Board of Trustees, Assam Tea Employees' Provident Fund Organisation whereby the petitioner had been directed to make the following payment, which is mentioned in paragraph 7 of the said order and the same being relevant is reproduced hereinunder:

"7. That, in view of the order passed by the Hon'ble High Court, the management of Koliabor Tea Estate allowed to deposit the arrear dues as follows:

a. To deposit P.F Adm. Cost amounting to Rs.13,65,180.52 for the period 2022-23 to 2025-26 within 30th November, 2025.

b. To deposit the entire DLI dues within 30th November, 2025.

c. To deposit the current P. F contribution amounting to Rs.49,60,755.00 for the period from 03.02.2025 to 28.08.2025 within 30th November, 2025 and continue to pay the regular PF dues within the stipulated time.

d. To deposit the arrear P.F contribution amounting to Rs.2,81,25,530.90 payable for the period from 29.11.2021 to 02.02.2025 in 10 (Ten) equal monthly installments @ Rs.28,12,553.09 per month with effect from November, 2025 positively.

e. To deposit the 15% statutory interest amounting to Rs.2,53,91,129.06 payable for the period from 17.03.2008 to 06.05.2012 & 30.07.2012 to 04.11.2012 & 09.11.2015 to 23.10.2016 & 09.03.2015 to 08.11.2015 & 24.10.2016 to 28.11.2021 in 14 (Fourteen) equal monthly installments @ Rs.18,13,652.07 per month with effect from November, 2025 positively.

f. To clear all the pending PF/Pension/DLI/Gratuity claims immediately.”

5. Mr. KN Choudhury, the learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has all intentions for clearing the dues which the petitioner is liable to pay as per the statutory requirement. He, however, submits that taking into account the present situation of the tea gardens, it would be next to impossible for the petitioner to deposit the amount as directed in the order dated 10.11.2025. He, submits, that if such a step is allowed to be continued, it would not be equitable taking into account that it would amount to closure of the petitioner's tea garden or the said tea garden would be handed over to third parties, thereby it would be causing irretrievable

injury to the petitioner.

6. *Per contra*, Mr. R Sarmah, the learned counsel appearing on behalf of the respondent Nos.2 to 6 submits that the petitioner is a habitual defaulter and as such in spite of various opportunities being granted, the petitioner had not cleared the dues and has been approaching this Court as well as various authorities so that they can just delay the making of the payment. He submits, therefore, that the petitioner is not entitled to any equitable relief in view of the conduct of the petitioner.

7. This Court had heard the learned Senior Counsel appearing on behalf of the petitioner on the question of whether there can be any interim direction(s) to be passed.

8. Mr. KN Choudhury, the learned Senior Counsel submits that to show that the petitioner has the right earnest to pay the dues as per the statutory requirement, the petitioner is ready to make some upfront payment till the next date fixed so that the respondent authorities may revise the schedule as regards the payment of the outstanding dues. He submits that the petitioner is ready to pay an amount of Rs.25,00,000/- till the next date.

9. This Court had heard the learned counsels appearing on behalf of the parties and had also perused the materials on record.

10. It is seen from the materials on record that earlier the petitioner was given an opportunity to make the payment by way of installments vide an order dated 29.10.2024 subject to the petitioner depositing 36 post-dated cheques of Rs.6,37,232.74p w.e.f. October 2024 and the said cheques were to be deposited within a period of 15(fifteen) days from the date of the said order. However, it is seen that the petitioner did not deposit the said cheques within the period of

15(fifteen) days. But, in the month of January, 2025, the petitioner deposited 23 cheques of Rs.9,56,000/- each and one cheque of Rs.9,52,378.36p.

11. The learned Senior Counsel appearing on behalf of the petitioner had submitted that the petitioner would have no difficulty, had that arrangement continued, and instead of that, the same was cancelled and thereby burdening the petitioner with such a huge amount.

12. Be that as it may, it is the opinion of this Court that certain upfront amount has to be made and taking into account what has been directed in the impugned order dated 10.11.2025, it is the opinion of this Court that an amount of Rs.13,65,180.52p + Rs.49,60,755 = **Rs.63,25,935.52p** should be paid on or before 15.12.2025.

13. Under such circumstances, till 15.12.2025, no coercive action shall be taken against the petitioner.

14. It is observed that if the amount i.e. Rs. **Rs.63,25,935.52p** is not paid on or before 15.12.2025., the respondents would be at liberty to initiate such action as may be permissible under the law.

15. In the meantime, the petitioner is given the liberty to approach the respondent authorities for re-consideration of the schedule of the payment, if so advised.

16. List accordingly.

JUDGE

Comparing Assistant