

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No.1001

IN

W.P.(L) No. 419 of 2026

McNally Bharat Engineering Company Limited through
its duly authorized representative Mr. Amitava Sengupta
..... Petitioner

Versus

Employees' Provident Fund Organization, through its
Regional Provident Fund Commissioner-I & Ors.
.... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Indrajit Sinha, Adv.
: Ms. Prerna Jhunhunwala, Adv.
: Ms. Arushi Agrawal, Adv.
For the Respondents: Mr. Rupesh Singh, Adv.
: Mr. Sudhanshu Singh, Adv.

02/Dated:22.01.2026

1. The instant writ application has been preferred by the petitioner for quashing the demand notice dated 12.11.2025 (Annexure-7) issued by the 1st respondent whereby a sum of Rs.3,95,51,696/- has been directed to be remitted by the petitioner towards interest amount under Section 7Q of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (herein after as Act).

Further, petitioner has filed an interlocutory application being I.A.No.1001/2026 seeking stay of the order of attachment of bank account as contained in Ref. JH/RO/RNC/PD/JHRAN0001227/2025/764/18433 dated 14.01.2026.

2. Learned counsel for the petitioner submits that on 12.11.2025, 1st respondent had passed an order

whereby a sum of Rs.5,64,81,570 (Five Crores, Sixty Four lakhs Eighty-one thousand and Five hundred Seventy) has been imposed as damages by way of penalty under Section 14B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 upon the petitioner. Further vide impugned order dated 12.11.2025 a demand notice was issued under 7Q of the Act and the petitioner was directed to pay the interest amount to the tune of Rs.3,95,51,696/-.

Thereafter, petitioner had preferred an appeal being EPFA 20/2025 against the said order before the CGIT, Dhanbad, whereby vide order dated 26.12.2025 the CGIT has stayed the operation of the order under Section 14B of the Act, but further held that the appeal under Section 7Q of the Act is not maintainable.

3. Learned counsel for the respondent opposed the prayer of the petitioner and seeks time to file counter affidavit.

4. Having regard to the facts of the case, it appears that the appeal filed by the petitioner has been admitted and order passed under Section 14B of the Act has already been stayed; however, the Tribunal could not stay the appeal under Section 7Q of the Act as the same was not maintainable. However, it seems that though the Tribunal was not incorrect in holding that the order

under Section 7Q is not appealable; however, the facts remains that the order under Section 7Q is consequential /in relation to order of 14B order.

5. Accordingly, interest of justice requires that the order of attachment of bank account as contained in Ref. JH/RO/RNC/PD/JHRAN0001227/2025/764/18433 dated 14.01.2026 shall remain stayed till further order.

6. As a result, I.A. No.1001 of 2026 stands allowed.

W.P.(S) No. 419 of 2026

7. List this case on 16.02.2026 along with W.P.(L) No. 2193 of 2024.

(Deepak Roshan, J.)

January 22, 2026

Fahim/-