



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4351 of 2026

***The Urban Cooperative Bank
Ltd., Cuttack***

....

Petitioners

Mr. N.K. Mishra, Sr. Adv.

-versus-

***Employees Provident Fund
Organization, Bhubaneswar &
Others***

....

Opposite Parties

*Mr. S.S. Mohanty, Adv.
(for O.P.No.1)*

COROM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

27.02.2026

**Order
No**

1. 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel appearing for the parties.
3. Pursuant to order dt.24.02.2026, Mr. S.S. Mohanty, learned counsel appearing for the Employees Provident Fund Organization placing reliance to the provisions contained under Seciton7-B(5) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (in short, "Act"), contended that against the order passed in Review, an Appeal lies, in terms of the provisions contained under Section 7(I) of the Act.
4. However, in course of hearing, learned Sr. Counsel appearing for the Petitioner contended that Petitioner was before this Court earlier in W.P.(C) No.7796 of 2020, challenging the action of the Opposite Parties in taking coercive action against the Petitioner, during pendency of the Review. It is contended that this Court vide order dt.05.02.2025 under Annexure-6 while disposing of the



Writ Petition, directed the competent authority to dispose of the review application on merit.

4.1. It is contended that after disposal of the matter vide order dt.05.02.2025, Petitioner was issued with a letter by Opp. party No.2 vide letter dt.18.03.2025 under Annexure-7. While permitting the Petitioner to file his written submission, Petitioner when was asked to produce certain documents, Petitioner vide letter dt.26.03.2025 under Annexure-8 prayed for 15 days time to comply with the requirement. It is contended that thereafter no further date was fixed for hearing of the Review and request made under Annexure-8 was never dealt with by Opp. Party No.2. But without giving opportunity of hearing to the Petitioner, the review Petition was dismissed vide the impugned order dt.12.01.2026 under Annexure-9.

4.2. It is contended that since after issuance of the communication under Annexure-7 with the reply given by the Petitioner under Annexure-8, no further date was fixed by Opp Party No.2 for hearing of the Review with due notice, the review application could not have been dismissed vide the impugned order dt.12.01.2026 under Annexure-9. Hence, the impugned order is not sustainable in the eye of law on the ground of non-compliance of the principle of natural justice as well as violation of the order passed by this Court in the earlier Writ Petition under Annexure-6.

5. Learned counsel appearing for the Opp. Parties on the other hand contended that since after the order passed by this Court under Annexure-6, Petitioner never



complied the request made in letter dt.18.03.2025 under Annexure-7, Opp. party No.2 taking into account such non-compliance, proceeded with the matter and dismissed the review application vide order dt.12.01.2026. Since Petitioner never complied the request made under Anenxure-7, no illegality or irregularity can be found with the impugned order. It is also contended that the impugned order is an appealable one.

6. Having heard learned counsel appearing for the parties and considering the submission made, this Court finds that this Court in W.P.(C) No.7796 of 2022 while disposing the matter vide order dt.05.02.2025 under Annexure-6, directed Opp. party No.2 to dispose of review on merit. Basing on such order, letter dt.18.03.2025 was issued by Opp. party No.2 under Annexure-7 requesting the Petitioner to file his written submission and some other documents. Petitioner vide his letter dt.26.03.2025 under Annexure-8 requested 15 days time to comply with the requirement. But as found from the impugned order after such a letter was issued by the Petitioner on 26.03.2025, no further date was fixed for hearing of the review on merit and the review was dismissed vide the impugned order dt.12.01.2026 under Annexure-9.

6.1. Since after the communication issued under Annexure-7 and the reply given by the Petitioner under Annexure-8, no fresh date was fixed for hearing of the review and the review was dismissed vide the impugned order dt.12.1.2026, it is the view of this Court that the



review was never heard on merit in terms of the earlier order passed by this Court under Annexure-6.

6.2. Therefore, on that ground only, this Court is inclined to quash the order dt.12.01.2026 so passed by Opp. party No.2 under Annexure-9. While quashing the said order, this Court directs the Petitioner to comply the requirements of letter dt.18.03.2025 by making an appropriate application within a period of three (3) weeks hence. On such compliance, Opp. party No.2 shall fix a date for hearing of the Review and decide the review on merit by the end of May, 2026. Petitioner is directed to cooperate and comply the request made in letter dt.18.03.2025 within the time stipulated by this Court. If Petitioner fails to comply the request within the time stipulated, the order impugned shall automatically be revived.

7. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita