



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8595 of 2026

***M/s Mother Earth Resources Petitioner
Pvt. Ltd., Koraput***

Mr. Somanath Mishra, Advocate

-versus-

***Certificate Officer –cum- Opp. Parties
Tahasildar, Jeypore,
Koraput and others***

Mr. D.N. Lenka, AGA
(for Opp. Party Nos.1, 2& 3)

**CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO**

ORDER

24.03.2026

(Hybrid Mode)

Order No.

01.

1. The petitioner is a Company registered under the Company Act is before this Court praying for quashing of the Certificate Case No.18 of 2025 pending before the opposite party no.1.

2. The certificate proceeding arises out of a demand for payment of gratuity for the employees who were employed under the petitioner-Company i.e. Unit-Sewa, formerly BILT Graphics Paper Products Limited at Gaganapur, Jeypore in the district of Koraput.

3. Heard learned counsel for the petitioner.

It is submitted that the petitioner-Unit is now closed. The petitioner would not deny the liability under the Payments of Gratuity Act, 1972, due to the



financial distress and stringency petitioner-Company is undergoing, there is difficulty in immediately meeting the demand raised by the controlling authority under the Payments of Gratuity Act, 1972. The Divisional Labour Commissioner, Jeypore bring the notified designated controlling authority.

4. The learned counsel for the petitioner refers to Section 8 of the Payments of Gratuity Act, 1972 read with the Orissa Rules to submit that the Collector is the statutory authority prescribed under Section 8 to send for collection/recovery of the demand. In the case at hand, the matter has not been referred to the Collector by the Controlling authority. The Collector has not issued any direction.

The controlling authority instead of sending the matter to the Collector as defined under the statute has himself sent the demand to the Certificate Officer. It is submitted the procedure adopted is not authorized under law.

5. It is submitted, however the petitioner in view of the nature of the demand i.e. gratuity payable to the employees/erstwhile employees, being an ideal employer would commit itself for payment of gratuity dues directly to the employees, if the certificate case does not intervene or the amount can be deposited before the Certificate Officer for satisfaction of the demand ultimately to be disbursed to the employees.



It is submitted that the petitioner seeks some breathing space and time.

6. Upon advance copy served, the learned Additional Standing Counsel appears on behalf of opposite parties no.1, 2 and 3.

The learned ASC refers to the Annexure-5 to the writ application i.e. the letter dated 23.09.2025, where the petitioner had asked three months' time before the Certificate Officer-cum-Tahasildar, Jeypore, Koraput. It is submitted that three months have already passed and the dues remain unpaid.

7. In response, the learned counsel for the petitioner submits that as has already been stated the Unit is closed down, the Company owning the Unit is in deep financial distress and some further time may be granted.

8. The learned ASC refers to the Annexure-6 of the writ application to submit that the letter was issued on 30.12.2025 that shows three months time has been availed by the petitioner.

9. Having heard learned counsel for the petitioner as well as the learned Additional Standing Counsel; notice be issued to the opposite parties along with this order.

The learned ASC having appeared upon advance copy served, waives notice on behalf of opposite parties no.1, 2 and 3. No further notice be issued to the said opposite parties.



Issue notice to opposite party no.4 by Speed Post with registration and proof of delivery. Requisites for issuance of notice be filed within five working days. Returnable date be fixed to 30.04.2026.

10. The matter shall be listed in the week commencing 11.05.2026.

I.A. No.4687 of 2026

11. Heard learned counsel for the petitioner. He reiterates his submissions as noted above.

12. Issue notice as above.

In view of the learned Additional Standing Counsel appearing upon service of advance copy, no further notice be issued to the opposite parties no.1, 2 and 3.

13. Notice be issued to opposite party no.4 as above. Accept one set of process fee as well as postal requisites along with the writ petition.

14. In the interim, it is directed that no coercive action would be taken against the petitioner in the Certificate Case No.18 of 2025 pending before the Certificate Officer-cum-Tahasildar, Jeypore, Dist.-Koraput till the next date of hearing.

List in the week commencing 11.05.2026.

Issue urgent certified copy as per rules.

(Mruganka Sekhar Sahoo)
Judge