



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.20079 of 2025

1) M/s Mangalam Timber Products Limited, Nabarangpur **Petitioners**

2) Jiten Kumar Nanda

Represented By Adv. -
Sailaza Nandan Das

-versus-

Regional Provident Fund Commissioner, EPF Organisation, Brahmapur **Opposite Party**

Represented By Adv. –
Santosh Kumar Behura

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

21.07.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Mr. Santosh Kumar Behura, learned counsel for the Regional provident Fund Commissioner. Mr. Behura, learned counsel although has instruction to appear in this matter, however, he undertakes to file his vakalatnama by tomorrow.
3. Heard learned counsel appearing for the Petitioners as well as learned counsel appearing for the Opposite Parties. Perused the writ application as well as the documents annexed thereto.
4. The Petitioner has filed the present writ application with the following prayer:

“Under the facts and circumstances narrated above, this Hon'ble Court may be pleased to issue



appropriate writ/writ(s) calling upon the Opposite Party No.1 as to why the summons dated 21.04.2023 under Annexure-3 and the impugned order passed by the Court of the Regional Provident Fund Commissioner, Employees Provident Fund Organization, Regional Office, Brahmapur dated 13.05.2025 under Annexure-5 shall not be quashed and set-aside and if the Opposite Party fails to show cause or show insufficient cause, then make the said Rule absolute by quashing/setting aside the impugned summon under Annexure-3 and order under Annexure-5 of the Writ petition, in the interest of justice;

And may further be pleased to pass any other order(s)/Writ(s) as this Court may deem fit and proper in the interest of justice.”

5. Mr. Das, learned counsel for the Petitioners at the outset contended that being aggrieved by the order dated 13.05.2025 under Annexure-5, the Petitioners have approached this court by filing the present writ application. Learned counsel for the Petitioners at the outset fairly contended that although the order has been passed under Section 14B of the EPF and MP Act, 1952 which is appealable in nature, however, the said order has been challenged by the Petitioners on the ground that the Petitioners were not provided as an opportunity to present their case. Thus, it was alleged that the order has been passed in violation of the principles of natural justice. In the aforesaid context, learned counsel for the Petitioners referring to the judgments of the Hon’ble Supreme Court and contended that in a case where there is an allegation of violation of natural justice, the availability of an alternative remedy shall not stand as a bar to exercise of its jurisdiction under Article 226 of the Constitution of India.



6. In such view of the matter, learned counsel for the Petitioners contended that since the impugned order has been passed without according sufficient opportunity to the Petitioners, the impugned order be set aside and the Opposite Party-Provident Fund Commissioner be directed to re-adjudicate the matter after providing an opportunity to the Petitioners.

7. Mr. Behura, learned counsel appearing for the RPF Commissioner on the other hand contended that the order dated 13.05.2025 reveals that although several adjournments were taken by the employer to appear through virtual mode before the authority. However, he did not avail such opportunity despite several adjournments. He further specifically referred to one Santosh Kumar Jha, General Manager (Commercial) of the Petitioners-employer who took several adjournments through virtual mode and he had also given an undertaking to deposit the due amount however, they did not appear. As a result, the Opposite Party-Commissioner had no other alternative but to dispose of the matter ex-parte and on the basis of the merits of the matter. In such view of the matter, learned counsel for the Opposite Party-Commissioner contended that the Opposite Party has not committed any illegality in passing order dated 13.05.2025 under Annexure-5 to the writ application. Accordingly, it was prayed that the writ application, being devoid of merit, is liable to be dismissed.

8. In course of hearing of the matter, it was brought to the notice of the Court by the learned counsel for the Petitioners that the order dated 13.05.2025 has not been passed on merits of the matter. Learned counsel for the Petitioners made an attempt to



bring such fact to the notice of this Court by taking this Court through the impugned order dated 13.05.2025 under Annexure-5. On a careful analysis of the impugned order, this Court finds that although there are laches in the part of the employer Petitioners, however, this Court is of the view that eventually the order has been passed without hearing the Petitioners. In such view of the matter, this Court deems it proper to set aside the order dated 13.05.2025 subject to Petitioners depositing a sum of 25% of the total dues before the Opposite Party No.1 which shall be subject to the final order to be passed by the Opposite Party No.1 under Section 14B of the EPF and MP Act, 1952. Accordingly, the matter is remanded back to the Opposite Party No.1 to reconsider the entire issue after providing an opportunity of hearing to the Petitioners. The Petitioners are directed to cooperate with the Opposite party No.1 in an early conclusion of the proceeding. It is further directed that it shall be ensured that the proceeding is disposed of as expeditiously as possible preferably within a period of three months from the date of communication of a certified copy of today's order by either of the parties.

9. With the aforesaid observations/ directions, the writ application stands disposed of.

10. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 22-Jul-2025 14:59:50

