

19.03.2026
Ct. No. 30
S.L. No. 2
SM

WPA 3674 of 2026
Maitra Servicenter
Versus
Enforcement Officer, EPFO & Ors.

Mr. Debanuj Basu Thakur
.....for the petitioner

1. The writ application has been preferred challenging an order dated December 05, 2025 passed by the respondent no. 2 under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 for the period from April, 1952 for the period from April, 2022 to November, 2023.

2. Learned counsel for the Provident Fund submits that the impugned order is an appealable order and as such the petitioner should prefer an appeal before the Tribunal.

3. Learned counsel for the petitioner submits that they can approach the appellant forum under Section 71 of the 1952 Act, but considering that there is no regular Presiding Officer, they have preferred the writ application and they are willing to approach the appellate forum if some protection is extended to them.

4. On hearing the parties and considering the materials on record, the writ application is disposed of with liberty granted to the petitioner to prefer an appeal under Section 71 of the EPF Act 1952 before the EPF Tribunal within 30 days from the date of this order.

5. Period of limitation if any is extended accordingly.

6. It is further directed that as there is no regular Presiding Officer at the tribunal, the impugned orders under challenge including the recovery notices are stayed till the matter is taken up by the EPF Tribunal.

7. It is made clear that in case no appeal is preferred within the period permitted as directed by this Court, the interim order shall stand vacated automatically and the authority shall be at liberty to proceed in accordance with law.

8. It is further observed that, this Court has not gone into the merit of the case and all points are left open before the ESI court.

9. Writ application stands disposed of.

10. Applications, if any, connected thereto stand disposed of consequently.

11. Interim order, if any, stands vacated.

12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]