

29.04.2025

DL-03

Ct. No. 33

Srimanta

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8495 of 2025

M/s. City Queen Gas Service & Anr.
-Vs.-
Regional Provident Fund Commissioner & Ors.

Mr. Swarup Paul,
Mr. Guru Saday Dutta,
Mr. Anish Roy

...for the petitioner.

Mr. Avijit Tewary

...for the Provident Fund Authority.

The Learned Advocate representing the petitioners agitated the issue of the employees of the company to have been covered under the Provident Fund Act without considering the number of employees to have been engaged in the said company to be less than 19 and contrary to the provisions of Section 2(f) of the aforesaid Act. The definition of wages under Section 2(b) of the aforesaid Act did not include commission which had been granted in favour of the delivery boys which were nearly 26 in number and an order under Section 7A of the said Act had been issued for compliance by 3rd April, 2025 vide

order dated 24.03.2025 passed by the Assistant Officer, R.O., Howrah.

The learned Advocate representing the respondents submitted that the proceedings under Section 7A of the aforesaid Act culminated in an order dated 24.03.2025 which was subjected to an appeal to have not been preferred by the petitioners till date.

The learned Advocate representing the petitioners apprehends that the order dated 24.03.2025 will be effected at any date and accordingly the merits of the instant writ petition will become infructuous.

Under such circumstances, this Court is of the opinion that the disputed question in the lis is to be decided upon exchange of affidavits. The affidavit-in-opposition to be filed by the learned Advocate representing the respondents by 23.05.2025. Reply, if any, to the same be filed by 16.06.2025.

Let the matter be fixed on 17th June, 2025.

The order dated 24.03.2025 passed by the Assistant Officer, R.O., Howrah be stayed till 17th June, 2025.

(Ananya Bandyopadhyay, J.)