

22.05.2026
Ct. No. 30
S.L. No.9
SM

WPA 11773 of 2026
M/S Murlidhar Ratanlal Exports Limited
Versus
Central Provident Fund & Ors.

Mr. Soumya Majumder, ld. sr. adv.
Ms. Amrita Pandey
Mr. Ghanshyam Pandey
Ms. Ayushi Mishra
Ms. Rishika Pandey
.....for the petitioner
Mr. Shiv Chandra Prasad
.....for the P.F. Authorities

- 1.** Affidavit-of-service filed be kept with the record.
- 2.** The writ application has been preferred being aggrieved by the certificate under Section 8 of the EPF Act dated 06.04.2026 and the recovery notice dated 13.05.2026 issued by the said authority, in spite of an appeal being filed (and still pending) before the Central Industrial Tribunal, Kolkata on 16th September, 2025 and affirmed on 11th September, 2025.
- 3.** Admittedly, the appeal has been filed and the tribunal has issued notice to the respondents/RPF authorities.
- 4.** Learned counsel Mr. Prasad for the respondents/EPF authorities submits that the mandatory requirement to prefer an appeal before the

Tribunal is to deposit 75% of the dues assessed under Section 7-O of the EPF Act.

5. Mr. Majumder, learned senior counsel appearing for the petitioner has relied upon the third proviso to Rule 7 (Clause 2) of the EPF Appellate Tribunal (procedure) Rules 1997.

6. Mr. Majumder, submits that similar proviso also appears as proviso to Section 7-O of the Act. Accordingly, as admittedly an appeal has been filed before the tribunal and the tribunal has also issued notice, it is up to the tribunal to take up those issues, as Mr. Prasad submits that he is also representing the EPF authorities before the Tribunal.

7. The writ application is thus disposed of with the direction that the impugned certificate dated 06.04.2026 and recovery notice dated 13.05.2026 which have been issued admittedly during the pendency of the appeal and when there is no regular Presiding Officer at the Tribunal, the same be stayed till the matter is taken up by the Tribunal.

8. The respondents/RPF authorities are further directed not to take any coercive steps against the petitioner/company till the matter is taken up by the Presiding Officer-in-Charge of the CGIT, Kolkata.

9. It is unfortunate that since May, 2025, the Central Government Industrial Tribunal, Kolkata is without a regular Presiding Officer. As such the

appropriate government is requested to take necessary steps on urgent basis for appointment of a regular Presiding Officer at the CGIT.

10. Let a copy of this order be sent to the learned Additional Solicitor General of Calcutta High Court.

11. Writ application stands disposed of.

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

13. Interim order, if any, stands vacated.

14. 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]