



2026:CHC-AS:612

19.08.2025
Item No.18
Ct. No. 30
Aloke

WPA/2874/2009
BUDGE BUDGE COMPANY LTD. & ANR.
vs
UNION OF INDIA & ORS.
IA NO: CAN/1/2011 (Old No:CAN/121/2011)

Mr. Shyamal Sarkar, Id. Sr. Adv.
Mr. Debmalya Ghosal
Mr. Atish Ghosh
Ms. Antara Dey
Ms. Neha Gupta
... for the petitioners
(in WPA/2874/2009)
Mr. S.C. Prasad
... for the P.F. Authority

1. In course of hearing it appears that a Coordinate Bench of this Court (Hon'ble Justice Raja Basu Chowdhury) has passed a judgment in a similar case being WPA 10379 of 2021 (**Anglo India Jute & Textile Industries Private Limited & Anr. vs. Regional Provident Fund Commissioner – I & Ors.**).

2. The learned Judge has disposed of the said writ application as per the direction of the Division Bench in W.P. 6138 (W) of 2009 passed in (**Caledonian Jute & Industries Ltd. & Anr. vs. Union of India & Ors.**)

wherein the Court held as follows :

“19. Therefore, we are of the considered view, that the unreported decision of Loomtex Engineering Pvt. Ltd. (supra), is not a conflicting judgment so far as the present writ petitions are concerned.



20. Accordingly, it is not required for us to give reply to the terms of reference as indicated hereinabove and **the learned Single Judge is free to grant relief to the petitioners on the basis of his independent findings** with regard to the applicability of the provisions of clauses 7, 9 and 28 of Appendix A read with paragraph 27AA of Employees Provident Fund Scheme in respect of the establishments of the petitioners, which have been enjoying exemptions under the provisions of Section 17 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.”

3. The Hon’ble Division Bench was hearing an appeal from the judgment of the Single Bench in W.P. 6138(W) of 2009 (**Caledonian Jute & Industries Ltd. & Anr. vs. Union of India**).

4. The Coordinate Bench in WPA 10379 of 2021 has accordingly passed the judgment dated 12.12.2023 which decided an issue similar to the one, in the present writ petition and, as such, to avoid conflicting decisions and to maintain judicial propriety, the present writ application is required to be heard by the Coordinate Bench, who has already decided a writ application on similar issue.

5. Accordingly, let the present writ application be released from my list and be placed before the Hon’ble the Chief Justice for necessary directions.

(Shampa Dutt (Paul), J.)