

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).5133/2011

(From the judgement and order dated 12/11/2010 in FMA No.14/2010 of The HIGH COURT OF CALCUTTA)

JESSORE INDUSTRIES(I) LTD.& ANR Petitioner(s)

VERSUS

REGIONAL P.F.COMMR.& ORS. Respondent(s)

(With office report )

Date: 25/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. Sunil Kumar, Sr. Adv.  
Mr. Himanshu Shekhar, Adv.  
Mr. A.P.Sahay, Adv.

For Respondent(s) Ms. Aruna Gupta, Adv.  
Ms. Swati Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Learned counsel for the petitioners submits that the industry which was bought by the petitioner was after the factory was closed and went into liquidation. It was further submitted that the product which was manufactured earlier by the petitioner factory was not continued by the petitioner and a new product was manufactured. Learned counsel for the petitioners therefore

-2-

submitted that the petitioner factory should be treated as a new unit so as to claim the benefit of the period of infancy and exemption from application of Employees Provident Fund & Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act')

Counsel for the respondents, however, submitted that the petitioner had purchased the unit as going a concern as per the Notification and therefore the benefit of infancy cannot be conferred on the petitioner industry. Therefore, the Act is applicable without granting it the benefit of infancy period. Learned counsel for the respondents has also relied upon the judgment reported in (1984) (Suppl.) SCC 610 titled as: Sayaji Mills Ltd. vs. Regional Provident Fund Commissioner in support of his submissions.

In view of the controversy involved, let the matter be listed for final disposal on a non-miscellaneous day.

(SUMAN WADHWA)  
AR-cum-PS

(S.S.R. KRISHNA)  
ASSISTANT REGISTRAR

