

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1080 OF 2011

UNION OF INDIA . . . APPELLANT(S)

VERSUS

M/S BURN STANDARD CO.LTD.& ANR. . . RESPONDENT(S)

O R D E R

1. We have heard learned counsels for the parties.

2. The challenge by the Union of India is against the order of the High Court by which the criminal proceedings have been quashed.

3. We have perused the order of the High Court and also the complaint petition.

4. Some of the allegations against the accused persons pertain to violation of paragraph 27-AA of the Employees Provident Funds (Amendment) Scheme, 2000, which came into effect from 2001; yet strangely the

allegations are in respect of periods 1975-1976 to 1995-1996.

5. The High Court took the view that the criminal liability sought to be fastened is with retrospective effect which is not permissible in law. We do not find any infirmity with the order of the High Court.

6. Insofar as the other allegations are concerned, the complaint petition presented before us do not indicate either the amount(s) of money, which the accused-respondents failed to deposit or the period during which such default took place. If that be so, no criminal liability can be attributed to the accused-respondents on twin grounds, namely, the absence of details of the amount(s) in default and secondly the absence of any details of the period of the alleged default without which the vicarious liability of the accused-respondents as office bearers of the respondent-company cannot be determined.

7. Viewed thus, we find no infirmity in the order of the High Court and accordingly

take the view that the proceedings against the respondents have been rightly quashed. We, therefore, order accordingly and dismiss this appeal.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(PRAFULLA C. PANT)

NEW DELHI  
AUGUST 03, 2016

ITEM NO.103

COURT NO.6

SECTION IIB

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

Criminal Appeal No(s). 1080/2011

UNION OF INDIA

Appellant(s)

VERSUS

M/S BURN STANDARD CO.LTD.&amp; ANR.

Respondent(s)

(with office report)

Date : 03/08/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Ms. Aruna Gupta, Adv.

For Respondent(s) Mr. Krishnan Venugopal, Sr. Adv.  
Mr. Biju Mattam, Adv.  
Mr. Abhinav Gupta, Adv.  
Ms. Indu Sharma, Adv.Mr. Soumik Ghosal, Adv.  
Mr. Parijat Sinha, Adv.UPON hearing the counsel the Court made the following  
O R D E RThe appeal is dismissed in terms of the  
signed order.(Neetu Khajuria)  
Court Master(Asha Soni)  
Court Master

(Signed order is placed on the file.)