

Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 445 of 2022

Date of Decision: 31.10.2022

Meghalaya Government
Construction Corporation Ltd.

Vs. Regional Provident Fund
Commissioner-II

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. S.D. Upadhaya, Adv.

For the Respondent(s) : Ms. P. Bhattacharjee, Adv.

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| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. Mr. Mr. S.D. Upadhaya, learned counsel for the petitioner.
2. Issue notice.
3. Ms. P. Bhattacharjee, learned Standing counsel for the respondent is present and accepts notice on behalf of the sole respondent.

4. It is submitted by the learned counsel for the petitioner that pursuant to the order dated 26.08.2022, passed by the respondent under Sections 14B and 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, wherein certain recoveries are to be made, the writ petitioner has filed a statutory appeal before the Central Government Industrial Tribunal, Guwahati. However, he submits as the Tribunal is not available presently, the writ petitioner anticipates that some coercive action may be taken against the writ petitioner and the relief sought for may be rendered infructuous. As such, he submits that his limited prayer is that till the Tribunal sits, some interim protection be given.

5. Ms. P. Bhattacharjee, learned Standing counsel for the sole respondent has vehemently opposed the prayer made by the learned counsel for the petitioner and submits that at least they should show their bona fides by depositing 50% of the amount. She has also touched on the merits, which this Court is not inclined to enter into, as the limited prayer is for non-execution of the impugned orders, in the interim till the Tribunal sits.

6. Considering the facts, and as it is not disputed that the Presiding Officer, Central Government Industrial Tribunal, Guwahati is not available, till 17.11.2022, the tentative date fixed for the matter to be taken up, in the interest of justice, it is directed that no coercive

action shall be taken against the writ petitioner until the Central Government Industrial Tribunal, Guwahati takes up the matter for admission. It is understood that as soon as the Tribunal sits, there shall be no delay on the part of the petitioner to move the appeal.

7. With the above noted directions, this writ petition stands closed and is accordingly disposed of.

JUDGE

Meghalaya
31.10.2022
"V. Lyndem-PS"

