

01.12.2015  
SL.No. 02  
Ct.No.18  
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**W.P. No. 26998 (W) of 2015**

**Howrah Mills Co. Ltd.  
Vs.  
The Union of India & Ors.**

Mr. Utpal Majumdar  
Mr. Sounik Majumdar  
Mr. Aniruddha Sinha                      ...for the petitioner

Mrs. Aparna Banerjee                      ...for the P.F. Authority

Mr. Majumdar, learned counsel for the petitioner has been quite fair in his submission. He admits that the dues of his client under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 are Rs. 7,11,31,236/- for the period November, 2012 to May, 2014 and June, 2014 to September, 2014.

On the recovery proceedings started by the Provident Fund Authority, all the bank accounts of the petitioner together with its immovable properties have been attached. Garnishee orders have been passed directing the tenants of the petitioner to pay rent directly to the said authority.

Learned counsel submits that the two properties of the company in Howrah in Annexure P-2 at page 34 of the petition are extremely valuable. If they are sold, the sale proceeds

realised would be more than sufficient to meet the provident fund dues.

Mrs. Banerjee, learned counsel for the Provident Fund Authority submits that it might not be possible for the Provident Fund Authority to sell the properties within a reasonable period of time.

In the alternative, Mr. Majumdar submits that if some breathing space is granted to the petitioner, if could sell the properties within six months or so and liquidate the dues of the Provident Fund Authority.

I find the submission of Mr. Majumdar reasonable.

The existing order of attachment with regard to the properties of the company will stand lifted with regard to all the properties except those specified in Annexure P-2 at page 34 of the petition.

The petitioner, under the Provident Fund Authority will sell these properties one by one and so much of them as will be sufficient to satisfy the Provident Fund dues.

The sale proceeds will have to be paid by the purchaser directly to the Provident Fund Authority.

This exercise should be completed within six months from date.



If the dues of the Provident Fund Authority are satisfied by sale of a part of the properties, it will be the option of the petitioner whether they sell other parts or not.

The excess consideration may be retained by the petitioner.

To show its bona fide, the petitioner will deposit Rs. 25 lakhs by 31<sup>st</sup> December, 2015 and another Rs. 25 lakhs by 31<sup>st</sup> March, 2016 with the Provident Fund Authority. This amount will be adjusted towards the said dues of the petitioner.

All coercive actions taken against the petitioner or contemplated against the petitioner will stand suspended for the time being.

If there is default by the petitioner in payments of the above instalment or in liquidating the above P.F. dues by effecting sale of the said properties by 30<sup>th</sup> June, 2015, then, the orders of attachment will revive and the Provident Fund Authority will be at liberty to take any action in accordance with law.

List this writ application once again in the monthly combined list of July, 2016.

**( I. P. Mukerji, J. )**