

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34086 of 2023

M/S. P.K.Minings Pvt. Ltd. Khurda *Petitioner*
Mr.Bibhu Prasad Panda, Advocate

-versus-

Union of India and others *Opposite Parties*
Mr.P.K.Parhi, D.S.G.I.

CORAM:
JUSTICE A.K. MOHAPATRA

Order No.

ORDER
16.10.2023

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Deputy Solicitor General of India. Perused the Writ Petition as well as the documents annexed thereto.
 3. The present Writ Petition has been filed with the following prayer:

“In the aforesaid facts and circumstances of the case, this humble deponent fervently prays this Hon’ble Court may be graciously pleased to admit the present writ petition, issue notice to the Opp.Parties calling upon them to show cause as to why the impugned order at Annexure-1 should not be quashed on the ground of delay and violation of principles of natural justice and if the Opp.Parties fail to show cause or show insufficient cause, then to make such rule absolute and quash the

impugned assessment order at Annexure-1.

And may pass any further order(s) as may deem fit and proper in the interest of justice.”

4. It is submitted by the learned counsel for the Petitioner that being aggrieved by the final order passed by the Controlling authority under the Employees Provident Fund Act & Miscellaneous Provisions Act, 1952, the Petitioner preferred an appeal before the appellate authority which was registered as Appeal No.19 of 2023. Learned counsel for the Petitioner further contended that the aforesaid appeal is pending before the appellate authority for final adjudication. However, learned counsel for the Petitioner expressed his apprehension that the Opposite Parties are likely to take coercive measure against the Petitioner during pendency of the aforesaid appeal, as a result of which the Petitioner is likely to suffer irreparable and financial loss and injury. Accordingly, the Petitioner has approached this Court by filing the present Writ Petition for passing necessary interim order.

5. On careful analysis of the aforesaid factual background as well as law applicable to the fact of the present case, it is observed by this Court that the appellate authority is not devoid of any authority to pass any interim order protecting the interest of the appellant when appeal is subjudiced before him. It is stated by the learned counsel for the Petitioner that he has already filed an interim application before the appellate authority which is stated to be pending before Opposite Party No.2. In such view of the mater, this Court deems it proper to dispose of the writ application by directing the Opposite Party no.2 to take up the interim application and make every endeavour to dispose of the same within a period of four weeks. It is further directed that till the aforesaid Interim Application is taken up for hearing by the appellate authority or for a period of four weeks from today whichever is earlier,

no coercive action shall be taken against the Petitioner. It is further made clear that interim order shall be subject to the final order passed in the interim application after careful consideration of the case of the appellant and after hearing of both the sides.

6. With the aforesaid observation the Writ Petition stands disposed of.

10. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

