

25.09.2026
Court No.13
Item Nos.4 & 5
AP

MAT 1379 of 2026
With
CAN 1 of 2026
Subroto Biswas and Ors.
Vs.
G4S Secure Solutions (India) Pvt. Ltd. and Anr.
With
MAT 1534 of 2026
With
CAN 1 of 2026
With
CAN 2 of 2026
The Regional Provident Fund
Commissioner-II (C & R) and Anr.
Vs.
G4S Secure Solutions (India) Pvt. Ltd. and Anr.

Mr. Shiv Chandra Prasad
Mr. Avijit Tewary
Mr. Nikhil Kumar Gupta
Ms. Suparna Mallick

... For the Appellants/PF Authority.

Mr. Jayanta Mitra, Senior Advocate
Mr. Soumya Majumder, Senior Advocate
Mr. Amitabh Chaturvedi
Ms. Mayuri Ghosh
Ms. Samarpita Mukherjee

... For the Respondents.

Re. : CAN 1 of 2026
In
MAT 1534 of 2026

1. CAN 1 of 2026 in MAT 1534 of 2026 is an application for condonation of delay.
2. Given the appeals filed against orders passed in contempt proceedings alleging contempt of order dated 31st March, 2026, this Court is inclined to condone the delay of 91 days.
3. Accordingly, CAN 1 of 2026 in MAT 1534 of 2026 is allowed.

Re.: MAT 1534 of 2026
With
CAN 2 of 2026

4. The subject matter of challenge is an order dated 31st March, 2026 passed by a Single Bench of this Court. The Single Bench in essence directed that the maintainability of 7A proceedings challenged by the assessee company should be decided first and only if found maintainable that the merits ought to have been gone into by the appellant/Provident Fund Authority.

5. It now appears that both the maintainability as well as the merits has been decided by the appellant authorities of the proceedings under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 vide order dated 30th April, 2026 and 14th May, 2026. Such orders have been challenged independently in the writ petitions files by the assessee company being WPA 12466 of 2026 and WPA 13615 of 2026.

6. Such writ petitions have been allowed by the Single Bench and the proceedings under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 initiated by the appellant against the respondent company have been set aside primarily on the ground of maintainability and an order of the Hon'ble Supreme Court dated 17th August, 2023 in Civil Appeal No.9284 of 2013.

7. This Court is, therefore, of the view that MAT 1534 of 2026 has become infructuous and is liable to be

disposed of as such and is hereby disposed of. Consequently, CAN 2 of 2026 in MAT 1534 of 2026 is also disposed of.

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With
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8. Since the appellants cannot recall their orders and pass fresh orders under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 in view of the decisions dated 14th September, 2026 rendered by the Single Bench, the impugned order in this appeal dated 6th August, 2026 have worked their course and have become infructuous.

9. Accordingly, MAT 1379 of 2026 is disposed of. Consequently, CAN 1 of 2026 in MAT 1379 of 2026 is also disposed of.

10. It is, however, clarified that the compliance by the appellants in the contempt proceedings shall not stand in the way of the appellant authorities challenging the judgement dated 14th September, 2026, if otherwise maintainable in law. Accordingly, the contempt proceedings being WPCRC 170 of 2026 before the Single Bench shall be deemed as disposed of.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)