

ITEM NO.115

COURT NO.11

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s).8044/2026

[Arising out of impugned final judgment and order dated 18-07-2025
in MAT No.2362/2023 passed by the High Court at Calcutta]

DEBASISH MUKHERJEE

Petitioner(s)

VERSUS

NTPC LIMITED & ORS.

Respondent(s)

(IA No. 116793/2026 - APPLICATION FOR PERMISSION
IA No. 18144/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 18142/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 18-05-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Ms. Archana Pathak Dave, A.S.G.
Mr. Kaustubh Anshuraj, AoR
Mr. Digvijay Dam, Adv.
Mr. Vaibhav Dwivedi, Adv.

Ms. Srija Choudhury, AoR

O R D E R

Heard the petitioner-in-person, Mr. Tushar Mehta, learned Solicitor General, Ms. Archana Pathak Dave, learned Additional Solicitor General and Mr. Kaustubh Anshuraj, learned Advocate-on-Record for the respondent no.1-NTPC Limited.

2. The Court proceedings have been conducted through video conferencing.

3. In terms of our previous order dated 08.05.2026, the Director (Accounts), NTPC Limited is also present before the Court through video conferencing.

4. The controversy revolves around the fact as to the amount, which was due to the petitioner, either towards his Provident Fund contribution or with regard to the benefits, post-retirement, he would get from the EPFO.

5. Today, the Court had been assisted and upon confirmation from the petitioner, it appears that the EPFO contribution of the petitioner is being regularly forwarded to the EPFO. However, with regard to the Provident Fund, which also is normally maintained by the EPFO, NTPC Limited, being an exempted organisation, has its own Provident Fund Trust which pays the Provident Fund amount. Under this fund, the petitioner has an amount, which is about Rs.1,11,77,189/- (Rupees One Crore Eleven Lakhs Seventy Seven Thousand One Hundred Eighty Nine) to which, interest would be added monthly, which presently would be approximately Rs.50,000/- (Rupees Fifty Thousand) per month.

6. An offer has come from the respondent no.1-NTPC Limited that the EPFO has a scheme under which, a higher rate of monthly pension is available to a pensioner who agrees to contribute a higher amount to the EPFO fund.

7. The petitioner was also asked for the same and a specific reply has not come, as to whether, he would himself pay the amount or from the amount which is lying in the Provident Fund Account in

favour of the petitioner, the amount be transferred to EPFO for satisfying the demand of the EPFO.

8. At this juncture, on a query being made to the petitioner, he submits that the respondent no.1-NPTC Limited may directly forward the amount which the EPFO requires for entitling the petitioner to a higher rate of monthly pension. With regard to the remaining, he submits that the same be given to him.

9. Having considered the matter, the present petition stands disposed of in the following terms:-

(i) The respondent no.1-NPTC Limited shall get fresh/up-to-date demand of the EPFO with regard to the extra contribution which the petitioner is required to deposit for getting a higher rate of monthly pension. The same shall be deposited with the EPFO by the Provident Fund Trust of the respondent no.1-NPTC Limited, within three weeks from today.

(ii) The remaining amount, with up-to-date interest, shall be handed over to the petitioner along with the accruing interest thereon, latest within four weeks from today.

(iii) Because of the petitioner earlier having indicated that it is financially a burden on him to move out of Kolkata, we direct that the respondent no.1-NPTC Limited shall send the demand draft of the remaining Provident Fund amount along with the interest to the petitioner at his residence in Kolkata and the petitioner shall give a proper receipt for the same. In the alternative, if the petitioner furnishes his bank account details to the learned counsel for the respondent no.1-NPTC Limited, the amount, as per the offer made by the learned

Additional Solicitor General for the respondent no.1-NTPC Limited herself, shall be directly transferred into the bank account of the petitioner. We further direct that the respondent no.1-NTPC Limited shall furnish the detailed computation of the amount to the petitioner.

10. The personal appearance of the Director (Accounts), NTPC Limited stands dispensed with.

11. At this juncture, the petitioner submitted that the main reason for him to approach this Court in the present petition was that a Writ Petition filed by him before the Calcutta High Court was rejected on the ground that the Court had no territorial jurisdiction. It was submitted that now, when the petitioner has superannuated and the respondent no.1-NTPC Limited has an office in Kolkata, he may be granted liberty to approach the Calcutta High Court for his grievance with regard to his termination from service, since he is settled in Kolkata.

12. In the facts and circumstances of the case, we observe that if a petition is filed, for any other grievance by the petitioner against the respondent no.1-NTPC Limited, the same shall be heard on merits by the Calcutta High Court.

13. Pending application(s), if any, shall also stand disposed of.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR