

1207342/2023/Diary &amp; Dispatch

/425333/2023

Government of West Bengal  
Labour Department  
LW Branch  
New Secretariat Building (12<sup>th</sup> Floor),  
1, K.S.Roy Road, Kolkata-700001  
(Computer No. 66396)



No. I/~~425333~~/2023/LABR-25011(12)/13/2018-LWMW Date: 10-08-2023

Notification

**Whereas**, the Governor was pleased to exempt the establishment namely M/s C.K. Sen & Co. Pvt. Ltd. (Jaba Kusum House, 34, Chittaranjan Avenue, Kolkata - 700012) against the P.F. code No. WB/3484 vide notification No.1251-PF/PF/1A-22/63 Calcutta, dated 14/03/1963 under section 17(1)(a) of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 from the operation of all provisions of the said Act of Employees' Provident Fund Scheme, 1952 subject to the conditions specified therein.

**Whereas**, it has been reported by the Regional Provident Fund Commissioner-I / OIC vide No. R-Ex/WB/3484/CA/CC-VI/1378 dated 28/08/2020 that the Compliance Audit of the said establishment and Trust fund was carried out for the year (2012-13 to 2016-17) and irregularities so detected were informed to the establishment but the establishment had not shown any positive intent to set right those irregularities and have remained silent on the issue over the months.

**Whereas**, EPFO had issued a "Show Cause" Notice regarding cancellation of exemption on 04/04/2000 to the establishment.

**Whereas**, from the monthly statutory returns furnished by the establishment and inspection conducted by Enforcement Officer, Provident Fund it is noticed that the Establishment has paid interest at a lower rate than the rate declared under Para 60 of the Employees' Provident Fund Scheme, 1952.

**Whereas**, interest is the most important criterion for comparing Provident Fund benefits offered by the establishment viz-a -viz statutory scheme, therefore it is believed that by paying interest at a lower rate than the rate provided under Para 60 of the Scheme, the Establishment has violated condition No. 1 governing grant of exemption of the establishment.

**Whereas**, the Government of India have amended from time to time the Act and Scheme to render better benefit to the Provident Fund subscribers. The employers in relation to the said establishment failed to update their Provident Fund rules to bring them at par with the with the Act and Scheme. Thus, violating the condition No. 3 governing grant of exemption.

**Whereas**, the establishment has failed to submit monthly returns in Appendix-'A' within stipulated time for the period 04/99 to 11/99 in contravention of Notification No.3469 dated 22/08/1983 issued by the Government of India, read with section 17(3)(a) of the Act. and condition No.4(a) subject to which exemption had been granted to the establishment

**1207342/2023/Diary & Dispatch**

/425333/2023

**Whereas**, the Board of Trustees constituted by the establishment has failed to follow the pattern of investment laid down by the Govt. of India from time to time in violation of Section 17(1A)(d)(iii) of the Act.

**Whereas**, the establishment has failed to submit audited accounts of its provident Fund Trust for the year 1998-99 and has not issued Annual Statement of Accounts for the year 1998-99, in gross violation of condition No.4.(b) subject to which exemption was granted.

**Whereas**, on the basis of the inspection conducted by the Enforcement Officer, Provident Fund from time to time it is noticed that the Establishment has not transferred Provident Fund, Pension Fund and other dues for the period ranging from 1/96 to 8/99 within stipulated time, i.e., within 15<sup>th</sup> of the close of each month in contravention of Notification No. S.O.1896 No. S.O.2826, No 937, & No 1487 dated 21/6/1995, 20/09/1996, 27/03/1997 and 07/07/1998 respectively issued by the Government of India and Section 17 of the Act and Para 4 of the Pension Scheme, 1995 and Para 8 of the Employees' Deposit Linked Insurance Scheme, 1976.


**Whereas**, Enforcement Officer, Provident Fund who conducted inspection of the establishment has reported that the Board of Trustees has failed to follow the pattern of investment laid down by the Govt. of India from time to time in gross violation of Section 17(1A)(d) (iii)

**Whereas**, the proposal for cancellation of exemption has been approved by the Central Office of the Employees' Provident Fund Organization.

After considering the proposal of EPFO authority and the correspondences and available documents, it may be decided that M/s C.K.Sen & Pvt. Ltd. (Jabakusum House, 34, Chittaranjan Avenue, Kolkata - 700012) have grossly violated the essential terms and conditions specified under the Act and the scheme and thereafter recommendation of cancellation from the EPFO authority appears to stand solid and valid.

Now, the Governor is hereby pleased to cancel the exemption granted in favour of the M/s C.K. Sen & Co Pvt. Ltd. (Jabakusum House, 34, Chittaranjan Avenue, Kolkata - 700012) against the P.F. code No. WB/3484 vide notification No.1251-PF/PF/1A-22/63 Calcutta, dated 14/03/1963 as per section 17(4) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and as per section 27 of the Employees Provident Fund Scheme, 1952, from the date of issuance of this Notification.

By order of the Governor



Additional Chief Secretary  
to the Government of West Bengal

**1207342/2023/Diary & Dispatch**

/425333/2023

No. I/~~425333~~/1(12)/2023/LABR-25011(12)/13/2018-LWMW Date: 10-08-2023

Copy forwarded for information and necessary action to:

1. The Labour Commissioner, W.B., N.S. Building (11<sup>th</sup> floor), 1, K. S. Roy Road, Kolkata-700001;
2. Regional P.F. Commissioner (Exemption), Bhavishya Nidhi Bhawan, 14, Bhicaji Cama Place, New Delhi-110066;
3. Regional P.F. Commissioner-II (Exemption), Bhavishya Nidhi Bhawan, 14, Bhicaji Cama Place, New Delhi-110066;
- ✓ 4. Regional P.F. Commissioner-I (Compliance), Bhavishya Nidhi Bhawan, 14, Bhicaji Cama Place, New Delhi-110066;
5. Regional P.F. Commissioner-I, DK Block, Sector-II, Salt Lake City, Kolkata-700091;
6. Regional P.F. Commissioner-I, RO - Barrackpore, 4(2), S.N. Banerjee Road, Barrackpore, Kolkata-700120;
7. Regional P.F. Commissioner, Barrackpore, 14 & 15, B.T. Road, Titagarh, Kolkata-700119;
8. Assistant P.F. Commissioner (Compliance), Bhavishya Nidhi Bhawan, 14 Bhicaji Cama Place, New Delhi-110066;
9. Assistant P. F. Commissioner & OIC, SRO Barrackpore, 14&15, B.T. Road, Titagarh, Kolkata-700119;
10. The managing Director, M/S C. K. Sen & Co. Pvt. Ltd., Jabakusum House, 34, Chittaranjan Avenue, Calcutta-12;
11. P.S. to Hon'ble MIC, Labour Department, Government of West Bengal;
12. P.A. to the Additional Chief Secretary, Labour Department, Government of West Bengal.

  
Deputy Secretary

to the Government of West Bengal