



सत्यमेव जयते

कर्मचारी भविष्य निधि संगठन

Employees Provident Fund Organisation

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

(MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA)

मुख्य कार्यालय/Head Office

प्लेट ए, ग्राउंडफ्लोर, ब्लॉक-II, ईस्ट किदवई नगर, नई दिल्ली-110023

Plate A, Ground Floor, Block II, East Kidwai Nagar, New Delhi-110023

Website: www.epfindia.gov.in, www.epfindia.nic.in



No. E-III/10(133)2023/Notification

Dated: 01 JAN 2024

To,

The Zonal Additional Central Provident Fund Commissioner, (West Bengal)
The Regional Provident Fund Commissioner-I, Kolkata.

Subject: Surrender of Exemption under Section 17(1)(a) of the EPF & MP Act, 1952 in respect of M/s Gillander Arbuthnot & Co. Ltd (General Industries Society Ltd., bearing code no. (WB/CAL/5438)

Madam/Sir,

I am directed to forward herewith the copy of Exemption cancellation notification dated 27.06.2024 received from the Government of West Bengal - the Appropriate Government, in respect of M/s Gillander Arbuthnot & Co. Ltd (General Industries Society Ltd., bearing code no. (WB/CAL/5438) under Section 17 (4) of the EPF & MP Act, 1952.

Appropriate necessary action may be taken post issue of this order of the appropriate Government. A compliance report to this effect may accordingly be sent at the soonest please.

Please also make a request for removal of link for filing Online Returns as per Head Office circular dated 12.12.2017 after full transfer of past accumulations.

(This issues with the approval of ACC(Exemption))

Yours faithfully

Encl: as above

(Sudhir N. Ganvir)

Regional P.F. Commissioner-I(Exemption),

Copy to:

1. RPFC-I (Compliance) Head Office.
2. RPFC-I Investment/Finance Head Office.
3. RPFC-I (Recovery) Head Office.
4. RPFC-I (NDC) /DD (IS) for upload in Exempted Establishment Tab of the website.
5. The Principal Secretary to Government, Labour Department, LW MW Cell, N.S. Building(12th Floor) 1. K.S.Roy Road, Kolkata-700001.
6. The Chairman, M/s The General Industries Society Ltd., 15 India Exchange Places, C-4 Gillander House, 8, N.S.Road, Kolkata-700001
7. OSD to CPFC
8. PS to ACC HQ(Exemption), ACC(Exemption), RPFC-I (Exemption), RPFC-II(Exemption).

Government of West Bengal
Labour Department
LW MW Cell
N.S.Building(12th Floor)
1, K.S.Roy Road, Kolkata-700001
(Computer-No-36843)

No. I/ ~~586002~~ /2024/LABR-25011(12)/6/2018-LW MW Date-13-12-2024

From: The ADDITIONAL SECRETARY
to the Government of West Bengal

✓ To: The Additional Central P.F. Commissioner,
DK-Block, Sector-II, Salt Lake City, Kolkata-700091.

Sub: Furnishing the Gazette Notification regarding the cancellation of
exemption.

Ref: No. EPFO/ACC/KZ/73(1)/725 dated 21/11/2024

Sir,

With reference to the subject mentioned above, I am directed to forward you the required copy of the Gazette Notification with regard to the cancellation of exemption in respect of M/s Gillander Arbuthnot & Co.Ltd.(General Industries Society Ltd) having PF code No.WB/CAL/5438.

Encl: As stated.

Yours faithfully

Sen
ADDITIONAL SECRETARY
to the Government of West Bengal

No. I/ ~~586002~~ /2024/LABR-25011(12)/6/2018-LW MW Date-13-12-2024

Copy forwarded for information to:

- 1.Sr.P.A/P.S to the HMIC, Labour Department, Government of West Bengal.
2. Sr. P.A/P.S to the Secretary, Labour Department, Govt. of West Bengal.
- 3.P.A to the Additional Secretary, Labour Department, Govt. of West Bengal.
4. Office Copy.

ADDITIONAL SECRETARY
to the Government of West Bengal



Exemption Cell
10/12/2024

10/12/2024

The
Kolkata Gazette
सत्यमेव जयते
Extraordinary
Published by Authority

BHADRA 6]

WEDNESDAY, AUGUST 28, 2024

[SAKA 1946

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Labour Department

LW/MW Cell

N. S. Building, (12th Floor),

1, K. S. Roy Road, Kolkata-700001

No. I/546641/2024/LABR-25011(12)/6/2018

Date: 12-08-2024

NOTIFICATION

Whereas, the Governor was pleased to exempt the establishment namely The General Industries Society Ltd., 15, India Exchange Places, C-4 Gillander House, 8, N.S. Road, Kolkata-700001 (M/s Gillander Arbuthnot Company Ltd.) against P.F. Code WB/Cal/5438 vide Notification No. 1606-P.F./PF/IA-7/64 dated 20/04/1964 under section 17(i)(a) of the EPF & Miscellaneous Provisions Act, 1952 from operation of all provisions of the said Act of Employees Provident Fund Scheme, 1952, subject to the conditions as specified therein.

Whereas, the exemption was originally granted to M/s General Industries Society Ltd. but the establishment was amalgamated with M/s Gillander Arbuthnot & Company Ltd. and thus apparently the legal status changed within para 27AA of EPF Scheme, 1952. However as per the orders of Calcutta High Court which effected this amalgamation, all the employees were made the employees of GACL with a resultant addition in service for P.F. related matters from the date of their joining in General Industries Society Ltd. (GIS Ltd.). Thus there was no occasion to direct the said GIS to comply as an un-exempted establishment since all its employees were now employees of GACL and were now contributing to the Common P.F.Trust Kothari Provident Fund Trust. The said Kothari P.F. passed a resolution where in to surrender their exemption.

Whereas, in the view of the aforesaid facts the exemption granted to the erstwhile General Industries Society (New Gillander Arbuthnot Company Ltd. GACL) is no longer valid more so when it has already started complying as an un-exempted establishment with effect from 01/07/2020 and its P.A. having been already transferred.

Whereas, it has been reported by the CPFC (Exemption) vide E.III/10(77)2023/Misc 5403 Date 20/03/2024 that;

Whereas, The Board of Trustees on 22/09/10 unanimously passed a resolution to surrender the exemption w.e.f. 01/07/2020 citing difficulty in maintaining trust. The establishment accordingly has desired to surrender the exemption.

2

Whereas, the application of the Establishment for surrender of exemption was placed before the exempted Establishments Committee of the Central Board, in their 55th EEC meeting held on 23/08/2023 and subsequently in the 234th in meeting of the Central Board of Trustees held on 31/10/2023.

Whereas, the Central Board of Trustees, EPF has recommended the acceptance of surrender of application of M/s Gillander Arbuthnot & Company Limited, (General Industries Society Ltd.) WB/Cal/5438 for formal surrender of exemption under section 17(1)(a) of EPF & MP Act, 1952.

Whereas, Regional Provident Fund Commissioner/IOC, Kolkata has also reported that the establishment has started reporting compliance to EPFO with effect from 30/06/2020 and all the securities along with past accumulation of the members lying in the P.F. Trust has also been transferred in the name of Central Board of Trustees, EPF.

Whereas, the Board of Trustees in a meeting on 22/09/2010 discussed that as per recent recommendation of the Central Board of Trustee, EPFO, New Delhi, the rate of interest has been hiked to 9.5% for that current financial year in place of earlier rate of 8.5%. The point was discussed and it was concluded that it may not be possible for the Board of Trustees to maintain such a rate of interest for that financial year in view of the declining return on investment made by BOT as per the mode of investment prescribed by the Appropriate Authority.

Whereas, the Central Board of EPFO has requested to consider for issuance of necessary formal order regarding cancellation of exemption in respect of the said establishment.

Now, the Governor is here by pleased to cancel the granted exemption in favour of M/s Gillander Arbuthnot & Company Limited (General Industries Society Limited) P.F. Code No. WB/CAL/5438 Vide Notification No. 1606- P.F./PF/ 1A-7/64 dated 20/04/1964 as per section 17(4) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and as per 27A of the Employees Provident Fund Scheme-1952, from the date of issuance of the Notification.

By order of the Governor,

AVANINDRA SINGH, IAS
Secretary to the Government of West Bengal