

GAHC010203072024



2026:GAU-AS:10033

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5065/2024

CACHAR PAPER MILL OFFICER AND SUPERVISORS ASSOCIATION AND ANR
REPRESENTED BY ITS GENERAL SECRETARY
SHRI DIPAK CHANDRA NATH

HINDUSTAN PAPER CORPORATION LINTED

P.O.- PANCHGRAM
DISTRICT- HAILAKANDI

ASSAM
PIN- 788802.

2: DIPAK CHANDRA NATH
SENIOR FOREMAN (ELECTRICAL)

ERSTWHILE HINDUSTAN PAPER CORPORATION LIMITED

CACHAR PAPER MILL

P.O.- PANCHGRAM
DISTRICT- HAILAKANDI

ASSAM
PIN- 788802.
VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY ITS SECRETARY

MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES

DEPARTMENT OF HEAVY INDUSTRY

UDYOG BHAWAN

NEW DELHI-110011.

2:THE STATE OF ASSAM
REPRESENTED BY ITS CHIEF SECRETARY
ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006
ASSAM.

3:THE SECRETARY
DEPARTMENT OF INDUSTRIES
COMMERCE AND PUBLIC ENTERPRISE
ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006
ASSAM.

4:ASSAM INSUSTIRAL DEVELOPMENT CORPORATION LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR
HAVING ITS OFFICE AT R.G. BARUAH ROAD
GUWAHATI- 781024
ASSAM.

5:THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION
MINISTRY OF LABOUR AND EMPLOYMENT
GOVT. OF INDIA
REGIONAL OFFICE
44 PARK STREET
KOLKATA- 700016
WEST BENGAL.

6:THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION
REGIONAL OFFICE
N.E. REGION
GS ROAD
BHANGAGARH
GUWAHATI- 781005
ASSAM.

7:KULDEEP VERMA
LIQUIDATOR OF HINDUSTAN PAPER CORPORATION LIMITED
46
B.B. GANGULY STREET
5TH FLOOR
UNIT 501
KOLKATA- 700012

WEST BENGAL.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

For the Petitioner(s) : Mr. D. Das, Advocate

For the Respondent(s) : Mr. P.K. Roy, Sr. Advocate

Ms. A. Gayan, CGC

Ms. U. Das, Addl. Sr. Govt. Advocate

Mr. A. Kakati, Standing Counsel

Mr. P. Choudhury, Advocate

Ms. A. Chakraborty, Advocate

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **21.07.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. D. Das, the learned counsel appearing on behalf of the petitioners. Ms. A. Gayan, the learned CGC appears on behalf of the respondent No. 1; Ms. U. Das, the learned Additional Senior Government Advocate appears on behalf of the respondent Nos. 2 and 3; Mr. A. Kakati, the learned Standing Counsel appears on behalf of the respondent No. 4; Mr. P.K. Roy, the learned Senior

Counsel assisted by Ms. A. Chakraborty, the learned counsel appears on behalf of the respondent Nos. 5 and 6; and Mr. P. Choudhury, the learned Counsel appears on behalf of the respondent No. 7.

2. The present writ petition has been filed seeking a direction upon the respondent No. 1 to deposit the outstanding provident fund dues under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

3. This Court finds it relevant to take note of that the petitioner Union had earlier filed another writ petition being WP(C) No. 6330/2019 before this Court seeking the same relief. The learned Coordinate Bench of this Court vide order dated 09.02.2024, in view of the pendency of the proceedings before the Liquidator, was not inclined to proceed with the said writ petition, more particularly, as the statutory authorities under the PF Act were looking into the matter of non-payment of the statutory provident fund dues. The relevant portion of the order dated 09.02.2024 is reproduced hereinbelow:

“On a query posed by this court on 07.02.2024, Mr. P Chowdhury learned counsel representing the liquidators has submitted that the provident fund commissioner is in the session of the matter so far relating to payment dues to be

made to the petitioner which accrued during their service.

In view of the aforesaid, it is the considered opinion of this court, that when the Hindusthan Paper Corporation is already under liquidation and payments against arrears of salary and gratuity has already been made and at the same time statutory authority under the PF Act are looking into the matter of non-payment of statutory provident fund dues, nothing survives to be adjudicated in this writ petition.

Accordingly, the present writ petition stands closed, however, while parting with the record it is made clear that the closure of this writ petition shall not be treated as any bar for the petitioner to claim their dues before the statutory authority or to approach any competent authority for redressal of their grievances.

Accordingly, this writ petition stands disposed of.”

4. Mr. D. Das, the learned counsel for the petitioners submitted that pursuant to the said order, though the members of the petitioners' Union have received certain amounts, the entire dues have not yet been paid and it is under such circumstances, the present writ petition has been filed.

5. This Court has duly taken note of the affidavit filed by the respondent Nos. 5 and 6, wherein it has been mentioned that the Employees' Provident Fund Organization had filed claims before the Liquidator appointed by the learned NCLT, New Delhi Bench, pursuant to the order dated 14.05.2019. It has further been

mentioned that the total claim amounts to Rs. 386.48 crores in respect of the entire HPCL, which included the Cachar Paper Mill and two other units.

6. This Court has also taken note of the affidavit filed by the respondent No. 7, wherein it has been mentioned that an amount of Rs. 213,18,14,728/- has already been paid to the Employees' Provident Fund Organization. In addition to that, an amount of Rs. 79,51,60,919/- has been paid in terms with Section 53 of the Insolvency and Bankruptcy Code, 2016 towards salary and arrears of salary. Further to that, the State of Assam, through the AIDC, had already disbursed an amount of Rs. 359,13,97,613/-. In total, an amount of Rs. 651,83,73,260/- has already been paid to the employees of the HPCL. The petitioners have not disputed the said aspect.

7. The grievance of the petitioners is limited only to the further amounts claimed by the Employees' Provident Fund Organization, which has not yet been disbursed by the Official Liquidator.

8. It is relevant to take note of that the said issue is presently under adjudication before the learned NCLAT, New Delhi. Any interference by this Court at this stage would not only amount to

interference with the proceedings presently pending before the learned NCLT, New Delhi, but would also be contrary to the provisions of the Insolvency and Bankruptcy Code, 2016.

9. Accordingly, this Court is not inclined to entertain the present writ petition, for which, the writ petition stands dismissed.

10. Before parting with the record, this Court makes it clear that the dismissal of the present writ petition is only on the ground that this Court is not inclined to entertain the same for the aforementioned reasons and the same shall not, in any manner, affect the rights of the petitioners to claim their dues, which is presently pending before the learned NCLT, New Delhi.

JUDGE

Comparing Assistant