

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

1229

Dist. SPE P.S. Mahgara Year 2021 FIR No. 926/2021 Date 25.08.2021

(i) Act 486/409 Sections 486/409 (ii) Act Sections

(iii) Act Sections (iv) Others Acts & Sections

(a) Occurrence of Offence : Day Date From 25/08/2021 Date To

Time Period Time From Time To

(b) Information received at P.S. Date 25.08.2021 Time 10.25 hrs

(c) General Diary Reference : Entry No.(s) 1374 Time 10.25 hr.

Type of Information : Written / Oral

Place of Occurrence : (a) Direction and Distance from P.S. Beat No.

(b) Address Nischintapur Tea Estate Mahgara PS Mahgara
Dist. Darjeeling

(c) In case outside limit of this Police Station, then the
Name of the P.S. : N/A District

Complainant / Informant :
(a) Name Amit Gupta

(b) Father's / Husband's Name

(c) Date / Year of Birth : (d) Nationality Indian

(e) Passport No. x Date of Issue : x Place of Issue x

(f) Occupation Enforcement officer Regional P.F. Office

(g) Address Bhovershye Nidhi Bhawan Hill Carl Hotel Road Prochanigan

Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary) : Beed Govind Garg (Director) and
Saurav Garg (Director) M/S
Nischintapur TEA Estate
Mahgara

Reasons for delay in reporting by the Complainant / Information

Particulars of properties stolen / involved (Attach separate sheet, if necessary) :
Cash Rs. 21,83,359 from Jan 2020
July 2021

Total value of properties stolen / involved

Inquest Report / U.D. Case No. if any

FIR Contents (Attach separate sheets, if required) : The original written complain
which is treated as FIR is re-produce on led

Action taken : Since the above report reveals commissions of offence(s) as mentioned at item No. 2, registered
the case and took up to the investigation / directed SI Subanta Sharmah to take up
investigation / refused investigation / transferred to P.S. of Mahgara PS/Sec on point of
jurisdiction. FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the
Complainant / Informant free of cost.

Signature / Thumb impression
of the Complainant / InformantNoted in original complain.Signature of the Officer-in-Charge, Police Station
Subanta Sharmah
Matigara Police Station
Police Commissionerate

Name :



कर्मचारी भविष्य निधि संगठन
EMPLOYEES' PROVIDENT FUND ORGANISATION
श्रम एवं रोजगार मंत्रालय, भारत सरकार
Ministry of Labour and Employment
Government of India



BHAVISHYA NIDHI BHAWAN, HILL CART ROAD, PRADHAN NAGAR, SILIGURI-734003

To,

The Officer –in-Charge

Name of the Police Station **Matigara**

Sub- Complaint under Section 405(Explanation 1) Punishable under Section 406/409 I.P.C. against

(1) Sri Govind Garg, (Dir), (2) Sri Saurav Garg, Director Director of M/s, NISCHINTAPUR TEA ESTATE, MATIGARA for an offence of criminal breach of Trust.

Sir,

It is submitted that I am a Provident Fund inspector within the meaning of section 13 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the Act.) M/s, NISCHINTAPUR TEA ESTATE, MATIGARA (hereinafter referred to as the establishment) is covered under the EPF & MP 1952 Act, under code No. JL/SLG/1577 The Establishment is required by virtue of provisions of Section 6 of the Act read with Par-38 of the Employee Provident Fund Scheme, 1952 (reproduced below for ready reference) to pay the Employees share of Provident Fund Contribution deducted from the salaries/wages of the employees on or before 15 of the following months.

Extract of Para 38 of E.P.F. Scheme, 1952 .

"38. Mode of payment of contributions - (1) The Employer shall, before paying the member his wages in respect of any period or part of period for which contributions are payable, deduct the employee's contribution from his wages which together with his own contribution as well as an administrative charge of such percentage of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concessions admissible thereon) for time being payable to the employees other than and excluded employee, and in respect of which Provident Fund contributions are payable as the Central Government may fix, he shall within 15 days of the close of every month pay the same to the Fund by separate bank drafts, ECR or cheques, on account of contributions and administrative charge "

During my inspection of the said establishment on Dt. 25/08/2021 it has been noticed that the employer(s) of M/s, NISCHINTAPUR TEA ESTATE, MATIGARA has/have deducted as per details enclosed , a sum of Rs 21,83,359/- Rupees Twenty One Lakh Eighty Three Thousand Three Hundred Fifty Nine only from the salary/wages of the employees as employees share of Provident Fund contribution for the period from Jan-20 to July-2021 and have not yet deposited the amount with the statutory fund, in violation of Section 6 of the Act read with Para 38 of the Employees Provident Fund Scheme.' Non- remitting of the provident money after deducting the Employees share from their salary/wages tantamount to an offence of Criminal Breach of Trust as defined under Section 405 (explanation-1) I.P.C. Section 405 (Explanation-1) I.P.C. is reproduced below for ready reference:

Section 405 (Explanation-1): A person, being an employer who deducts the employee's contribution from the wages payable to the employee for credit to the Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount for the contribution so deducted by him and if he makes default in the payment of such contribution to the said fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Cont.....2

[2]

It is thus clear that M/s, NISCHINTAPUR TEA ESTATE and the following persons who are responsible for the conduct of business of establishment have committed a cognizable, non-compoundable and deemed offence under Section 405(Explanation-1) punishable under Section 406/409 I.P.C.

1. Sri Govind Garg, Director
2. Sri Saurav Garg, Director

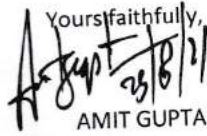
I Amit Gupta, Enforcement Officer, therefore request you to register F.I.R. under Section 154 Cr.P.C. for prosecution under Section 406/409 I.P.C. against the Following....

1. M/s, NISCHINTAPUR TEA ESTATE, MATIGARA, DARJEELING
2. Sri Govind Garg, (Dir) S/o, Lt. Ami Lal Garg
R/o, 15, College Street, 12A, Netaji Subhash Chandra Road, Kolkata, 700012
3. Sri Saurav Garg, (Dir) S/o, Govind Garg
R/o, 15, College Street, 12A, Netaji Subhash Chandra Road, Kolkata, 700012

Received on 25/08/2021 at 10:25 hrs.
vide GOENO 1374 dt 25/08/21 and
started Matigara PS case no 926/2021
dt 25/08/2021 u/s 406/409 I.P.C. and
endorsed to S.I. Sushanta Dhar for
its investigation.

2
25/8/21

Officer in-Charge
Matigara Police Station
Siliguri Police Commissionerate

Yours faithfully,

AMIT GUPTA
ENFORCEMENT OFFICER
REGIONAL OFFICE, SILIGURI
AMIT GUPTA
प्रवर्तन अधिकारी
ENFORCEMENT OFFICER
क्षेत्रीय म.नि. कार्यालय
REGIONAL P.F. OFFICE
सिलीगुरी / SILIGURI

8900536537
7001833046 Cont.....3