



FIRST INFORMATION REPORT

1212

(Under Section 154 Cr. P.C.)

1. Dist. Sik P.S. Pradhannagar Year 2022 FIR No. 109/22 Date 03.06.22
 2. (i) Act..... Sections..... (ii) Act..... Sections..... 106/409 IPC
 (iii) Act..... Sections..... (iv) Other Acts & Sections.....

3. [a] Occurrence of Offence : Day..... Date From..... Date To.....
 Time Period..... Time From..... Time To.....

[b] Information received at P.S. Date 03.06.22 Time 13:15 hr

[c] General Diary Reference : Entry No. (s) 177 Time 13:15 hrs

4. Type of Information : Written Written/Oral :

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

[b] Address Sukna P.E. Po. Gulsna, P.S. Pradhannagar Dist. Dajeling

[c] In case outside limit of this Police Station, then the Name of the P.S. District.....

6. Complainant / Informant :

[a] Name Shri Ashok Sarkar

[B] Father's / Husband's Name S/O U. Sudhin Kumar Sarkar

[c] Date / Year of Birth..... [d] Nationality Indian

[e] Passport No..... Date of Issue..... Place of Issue.....

[f] Occupation.....

[g] Address Enforcement officer, Regional P.F. office, P.S. Pradhannagar

7. Details of known / suspected / unknown accused with full particulars Dist Dajeling
 (Attach separate sheet, if necessary):

Director of Sukna Tea Estate, 17 Sri

Harshvardhan Kalyani S/o Sri Chibkumar Kalyani of 63/1,

Maharaja Road, Kolkata - 29 @ Smt Manjula Kalyani W/O - Sri

Madan Lal, Popinich of 63/1, Maharaja Road, Kolkata - 29 and

8. Reasons for delay in reporting by the Complainant / Informant
Manager of Sukna Tea Estate Sri Bhaskar Chakrabarty S/o
Sri Nil Malendu Chakrabarty of Sukna Tea Estate, Po. Gulsna P.S.
Pradhannagar Dist - Dajeling

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary)

10. Total value of properties stolen / involved.....

11. Inquest Report / U.D. Case No. If any.....

12. FIR Contents (Attach separate sheets, if required) The original written complaint of the complainant which is treated as FIR is enclosed herewith

13. Action taken : Since the above report reveals commission of offence(s) as mentioned at item No.2, registered the case and took up the investigation / directed S.I. Rabindra Nath Sarkar take up investigation / refuse investigation / transferred to P.S..... 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.

14. Signature / Thumb impression of the Complainant / Informant
Noted in written complaint
 Date & Time of despatch to the court
03.06.22

Signature of the Officer-in-Charge, Police Station
Sybil Ch. Ghosh
 Name Sybil Ch. Ghosh
 Rank SI of Police Constable / SPC
03.06.22



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 Pradhan Nagar

Sub- Complaint under Section 405(Explanation 1) Punishable under Section 406/409I.P.C. against
(1) Sri Harshvardhan Kalyani, (Dir), (2) Smt. Manjula Kalyani, (Dir) and (3) Sri Bhaskar Chakrabarty
, Manager Manager of M/s, SUKNA TEA ESTATE, P.O – GULMA DIST- DARJEELING 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, SUKNA TEA ESTATE, P.O – GULMA (hereinafter referred to as the establishment) is covered under the EPF & MP 1952 Act, under code No. JL/SLG/1014 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. 03/06/2022 it has been noticed that the employer(s) of M/s, SUKNA TEA ESTATE, P.O – GULMA has/have deducted as per details enclosed , a sum of Rs 27,99,063/- Rupees Twenty Seven Lakh Ninety Nine Thousand Sixty Three only from the salary/wages of the employees as employees share of Provident Fund contribution for the period from NOV-2019 to JUNE-2020 AND APRIL-2021 TO OCT-21 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, SUKNA 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 Harshvardhan Kalyani, Director
2. Smt. Manjula Kalyani, Director
3. Sri Bhaskar Chakrabarty, Manager

I Ashok Sarkar, 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, SUKNA TEA ESTATE, P.O. GULMA, DARJEELING
2. Sri Harshvardhan Kalyani, (Dir) S/o, Sri Shibkumar kalyani
R/o, 63/1, Mahanirvan Road, Kolkata-29.
3. Smt. Manjula Kalyani, (Dir) D/o, Sri Madanlal Tapuriah
R/o, 63/1, Mahanirvan Road, Kolkata-29.
4. Sri Bhaskar Chakrabarty, Manager S/o, Sri Nirmalendu Chakrabarty
R/o, Sukna Tea Estate, PO-Gulma P.S. Pradhan Nagar, Dist-Darjeeling -734004

Received on 03.06.22 at 13:15hr
vide P/NPs CUG No. 177 dt 03.06.22
and started P/NPs Case No. 409/22 dt 03.06.22
u/s. 406/409 I.P.C. and endorsed to ASI
Nilam Bhattacharya to investigate the case.

Sy/mr
03/06/22
Inspector-In-charge
Pradhannagar Police Station
Siliguri Police Commissionerate

Yours faithfully,

Ashok Sarkar

ASHOK SARKAR
ENFORCEMENT OFFICER
REGIONAL OFFICE, SILIGURI

S/o, Late Sudhir K. Sarkar
98320-71044

अशोक सरकार Cont.....3
ASHOK SARKAR
प्रवर्तन अधिकारी
ENFORCEMENT OFFICER
क्षेत्रीय भ.पि. कार्यालय
REGIONAL P.F. OFFICE
सिलीगुड़ी/SILIGURI

[3]

ANNEXTURE-1

Details of Employees Share deducted from the Salary/Wages of Employees in respect of M/s, , M/s, SUKNA TEA ESTATE, GULMA JL/SLG/1014

MONTH(S)	AMOUNT
NOVEMBER -2019	256083
DECEMEBR -2019	183296
JANUARY -2020	179649
FEBRUARY-2020	183112
MARCH-2020	236692
APRIL-2020	54724
MAY-2020	108121
JUNE-2020	131262
APRIL-2021	190566
MAY-2021	173777
JUNE-2021	204734
JULY-2021	209228
AUGUST-2021	298571
SEPTEMBER- 2021	195765
OCTOBER-2021	193483
TOTAL	27,99,063/-

Ashok Sarkar

03.6.2022

ASHOK SARKAR
ENFORCEMENT OFFICER
REGIONAL OFFICE, SILIGURI

अशोक सरकार
ASHOK SARKAR
प्रवर्तन अधिकारी
ENFORCEMENT OFFICER
क्षेत्रीय भ.पि. कार्यालय
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