

FIRST INFORMATION REPORT
(Under Section 154 Cr. P.C.)
173 BNSS

1714



1. Dist: Darjeeling P.S. Bagdogra Year 2024 FIR No. 318/24 Officer-in-charge
2. Act: BNS Sections 316(2)/318(4) Date: 20.09.24 Police Station: Bagdogra

3. (a) Occurrence of offence : Day Date From April 2021 Date To July 2024
Time Period Time From Time To

(b) Information received at P.S. Date 20.09.24 Time 12:20 hrs

(c) General Diary Reference : Entry No (s) 969 Time 12:20 hrs

4. Type of Information Written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. Beat No.
(b) Address Singhijhara Tea Estate, P.S - Bagdogra, Dist - Darjeeling.

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

6. Complainant / Informant : (a) Name Neetu Tamang (98320 86843)

(b) Father's / Husband's Name (c) Date / Year of Birth (d) Nationality Indian

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

(f) Occupation Enforcement officer CEPFO, Regional office Siliguri

(g) Address EPFO, Regional office, Siliguri

7. Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary) :
① Sri Saurav Garg, (Dir), S/O - Govind Garg of 15 College street, 12A, Netaji Subhash Chandra Road, Kolkata - 700012 and others.

8. Reasons for delay in reporting by the Complainant / Information

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 is treated as FIR and 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 ASI Shekhar Lama of BDR P.S. to take up investigation / refused 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.
on the original written complaint

14. Signature / Thumb impression of the Complainant / Informant Signature of the Officer-in-Charge, Police Station Name: SI Pratheek Sarathi Das Rank : No. O/L BDR P.S

15. Date & Time of despatch to the court :



कर्मचारी भविष्यनिधिसंगठन
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 **Bagdogra**

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

(1) **Sri Saurav Garg**, Directors of **M/s SINGHIAJHORA TEA ESTATE, Bagdogra** 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 **SINGHIAJHORA TEA ESTATE, Bagdogra** (hereinafter referred to as the establishment) is covered under the EPF & MP 1952 Act, under code No. **JL/SLG/1584**. 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. 20.09.2024 it has been noticed that the employer(s) of M/s, **SINGHIAJHORA TEA ESTATE, Bagdogra** has/have deducted as per details enclosed, a sum of Rs. **7713809/- Rupees SEVENTY SEVEN LAKHS THIRTEEN THOUSAND EIGHT HUNDRED AND NINE ONLY** from the salary/wages of the employees as employees share of Provident Fund contribution for the period from **APRIL-21 to JULY-2024**. Out of which Rs. 1876784/- has been deposited by the establishment and the amount of Rs. 5837025/- (**Rupees Fifty Eight Lakhs Thirty seven Thousand and Twenty Five only**) have not yet deposited 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.

Alekh Tamang
20/9/2024

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

Sri Saurav Garg, Director

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

1. M/s **SINGHIAJHORA TEA ESTATE, BAGDOGRA, DARJEELING**
2. **Sri Saurav Garg, (Dir) S/o, Govind Garg**
R/o, 15, College Street, 12A, Netaji Subhash Chandra Road, Kolkata, 700012

Received on 20.09.24 at 12:20 hrs
ride GDE NO 969 Dt 20.09.24,
started BDR P.S case No 318/24 Dt
20.09.24 U/s 316(2)/318(4), endorsed
to ASI Shekhare Lama for its
investigation.

20/9/2024
Officer-in-charge
Bagdogra P.S., S.L.C
Siliguri Metropolitan Police

Yours faithfully,

Neetu Tamang
20/9/24

NEETU TAMANG
ENFORCEMENT OFFICER
EPFO, REGIONAL OFFICE, SILIGURI

Mobile no. 9832086843

नेतू तामांग, प्र.अ.
NEETU TAMANG, E.O.
क.म.नि.स. / E.P.F.O.
क्षेत्र, सिलीगुरी / R.O., Siliguri
सिलीगुरी / Siliguri-734003 Cont....3