

FIRST INFORMATION REPORT

(Under Section 154, P.C.)

1608

1. Dist. Alipour P.S. Burpara Year 2021 FIR No. 03/21 Date 16/1/2021
 2. (i) Act IPC Sections 406/409 (ii) Act _____ Section _____
 (iii) Act _____ Sections _____ (iv) Other Acts & Sections _____
 3. a) Occurrence of Offence: Day _____ Date _____ From 4/2020 To 11/2020
 b) Information received at P.S. Date 16/01/2021 Time 14.25 hrs.
 c) General Diary Reference: Entry No. (s) 826 Time 14.25 hrs.
 4. Type of Information: Written Written / Oral _____
 5. Place of Occurrence: (a) Direction and Distance from P.S. South 5km Beat No. _____
 b) Address Dendimar Tea Estate, P.O. Burpara, Dist. Alipour

c) In case outside limit of this Police Station, then the

Name of the P.S. _____ District _____

6. Complainant / Informant:

- a) Name Shri. T. P. Neroula (9832053993)
 b) Father's/Husband's Name _____
 c) Date / Year of Birth: _____
 e) Passport No. _____ Date of Issue _____ Place of Issue _____
 f) Occupation Science
 g) Address Enforcement Office, Regional Office, Bhambhani Bhanu

7. Details of known/suspected/unknown accused with full particulars Dinabakar, Talpangon

(Attach separate sheet, if necessary)

- 1) Mr. Amit Kumar Agarwall, Son of, 40 Jagdish Prasad
Agarwall of 1st Road, Khatyapara P.O. Salgum Badar,
Dist. Ranjaiting Pin 734005.

8. Reasons for delay in reporting by the Complainant / Informant:

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

Rn: 96107, 38300

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 F.I.R. is attached herewith.

13. Action taken: Since the above report reveals, commission of offence(s) as mentioned at item

No. 2 registered the case took up the investigation / directed to Brijesh Rai
 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 Complaint14. Signature / Thumb impression
of the Complainant / Informant

15. Date & Time of Despatch to the Court

Signature of the Officer-in-Charge Police Station

Name Patzer Tshering BhutiaRank SI of Police, No. 07 Burpara P.S.



Phone No.03561 - 2307

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E-mail: ro.jalpaiguri@epfindia.gov

EMPLOYEES' PROVIDENT FUND ORGANISATION
(MINISTRY OF LABOUR: GOVT. OF INDIA)
REGIONAL OFFICE: BHAVISHYANIDHI BHAWAN
DINBAZAR: JALPAIGURI- 735 101

Date: 15/01/2021

To
The Officer-in-Charge
Name of the Police Station: Birpara, Dt. Alipurduar

Sub : Complaint under Section 405 (Explanation 1) punishable under Section 406/409 IPC against
Proprietor/Partner/Director of M/s. Demdima Tea Estate, under ESS.F.SS. Endavour
Address: for an offence
criminal breach of Trust. P.O. - Birpara, Dt. Alipurduar.

Sir,

It is submitted that I am a Provident Fund Inspector within the meaning of Section 13 of the Employee Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the Act) M/s. Demdima Tea Estate (hereinafter referred as the establishment) is covered under the EPF & MP Act, 1952, under Code No. JL/JLP/..... Establishment is required by virtue of provisions of Section 6 of the Act read with Para 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 month.

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 any period or part of period for which contributions are payable, deduct the employee's contribution from wages which together with his own contribution as well as an administrative charge of such percentage of the (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 an 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 or cheques, on account of contributions and administrative charge."

During my inspection of the said establishment on dated 15/01/21 it has been noticed that employer(s) of M/s. Demdima Tea Estate has / have deducted as details enclosed in Annexure-I, a sum of Rs. 96,67,383/- (Rupees ninety six lakhs seven thousand three hundred eighty three) from the salary/wages of the employees employees share of Provident Fund Contribution for the period from 4/2019 to 11/2020 and have not deposited the amount with the statutory fund, in violation of Section 6 of the Act read with Para 38 of Employees Provident Fund Scheme. Non-remitting of the Provident Fund money after deducting the Employee Share from their salary/wages tantamount to an offence of Criminal Breach of Trust as defined under Section (explanation-1) I.P.C. Section 405 (Explanation-1) I.P.C. is reproduced below for ready reference :

Received on 16/1/21 at 14.25 hrs vide G.O. No. 886 and Standing Order PS. G.O. No. 886/21 dt 16/1/21 by H.O. 406/409 IPC

Contd...

16/1/21
Officer-in-Charge
Police Station
Alipurduar

Section 405 (Explanation-1) : A person, being an employer who deducts the employee's share 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 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.

It is thus clear that M/s. Demdima Tea Estate under
ESSESS Endeavours (P) Ltd. and the following persons who are responsible for the conduct of business of Establishment., have committed a cognizable, compoundable and deemed offence under Section 405 (Explanation-1) punishable under Section 406/409 of I.P.

1. Mr. Amit Kumar Agarwal, Director
S/o Jagadish Prasad Agarwal.
- 2.

3. Add:- Demdima Tea Estate, P.O. - P.S. Birpara
Dt. - Alipore
4. And- M.G. Road, Khalpara, P.O. Siliguri Bazar
Dt. Darjeeling, Pin- 734005
- 5.

I, T.P. Niroula & A.K. Singh, Enforcement Officer, therefore request you to register FIR under Section 154 Cr. P.C. for prosecution under Section 406/409 I.P.C. against the following :

1. Mr. Amit Kumar Agarwal, S/o Jagadish Prasad
Agarwal (Director).
- 2.
- 3.
- 4.
- 5.

Yours faithfully

Asst
15/1/21

Enforcement Officer
Regional Office - Jalpaiguri

Lib
15/1/21
E.O. 15/1/21

ANNEXURE I

Details of employees Share deducted from the salary/wages of employees in respect
M/s. Damdama Tea Estate but not
deposited in the statutory fund.

SL NO.	MONTH	AMOUNT INVOLVED
1	April - 19	533800
2	May - 19	56652
3	June - 19	570027
4	July - 19	659409
5	August - 19	473943
6	Sept - 19	464458
7	Oct - 19	439861
8	Nov - 19	425109
9	Dec - 19	651948
10	Jan - 20	470216
11	Feb - 20 (June)	202832
12	Feb - 20	297714
13	March - 20	388353
14	April - 20	377361
15	May - 20	368644
TOTAL		

15/11/24
 Enforcement Office
 Regional Office : Jalpaiguri
 T.P. NIKHIL
 E.O. RO. J

ANNEXURE I

Details of employees Share deducted from the salary/wages of employees in respect
M/s. Dendima Tea Estate but not
deposited in the statutory fund.

SL NO.	MONTH	AMOUNT INVOLVED
1	June - 20	403524
2	July - 20	377904
3	Aug. 20	499222
4	Sep. 20	468906
5	Oct. 20	471338
6	Nov. 20	496262
7		
8		
9		
10		
11		
12		
13		
14		
15		
TOTAL		96,07,383-00 ✓


Handwritten signature
8/11/21
ए. के. सिंह / A.K. SINGH
प्रबन्धन अधिकारी / Enforcement Officer
क.भ.नि.सं. / E.P.F.O.
श्री. का. जलपाईगढ़ / श्री. जलपाईगढ़

Handwritten signature
13/11/21
Enforcement Officer
Regional Office : Jalpaiguri
T.P. NIRMAL
श्री. सी. निरमल
E.O. RO. JA

DEMDIMA TEA ESTATE
ESTABLISHMENT CODE- JLP000823
ABSTRACT OF WAGE SHEET

MONTH	WAGES	EMPLOYEE'S SHARE DEDUCTED BUT NOT DEPOSITED
Mar-19	2486885	298358
Apr-19	4447674	533800
May-19	4720555	566552
Jun-19	4753574	570027
Jul-19	5496474	659409
Aug-19	3951094	473943
Sep-19	3871792	464458
Oct-19	3666601	439861
Nov-19	3543669	425109
Dec-19	5436308	651948
Jan-20	3922657	470216
FEB'20 LEAVE	1690236	202832
Feb-20	2483324	297714
Mar-20	3238970	388353
Apr-20	3146043	377361
May-20	3686787	368644
Jun-20	4035459	403524
Jul-20	3783788	377904
Aug-20	4161291	499222
Sep-20	3894067	468906
Oct-20	3462238	471338
Nov-20	4122517	496262
GRAND TOTAL	84002003	9905741
LESS : PAYMENT DONE		298358
TOTAL AMOUNT DUE		9607383

PAID ON 30/07/2019


 16.01.21
 Sr. Manager
 DEMDIMA TEA ESTATE