

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.SURENDRA MOHAN
&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

W.A.No. 1226 of 2015 () IN WP(C).27480/2014

AGAINST THE JUDGMENT IN W.P.(C) 27480/2014 of HIGH COURT OF KERALA DATED
19-03-2015.

APPELLANT(S)/PETITIONER:

GOLDVIEW VYAPAR (P) LTD.,
HOPE PLANTATIONS, GLENMARY ESTATE, PEERMADE,
IDUKKI, HAVING ITS REGISTERED OFFICE AT 31
B.B.D BAGH, HONGKONG HOUSE,
CALCUTTA-700 001 REP. BY ITS MANAGER (HR), MR. BABU.

BY ADV. SRI.V.B.HARI NARAYANAN

RESPONDENT(S)/RESPONDENT:

REGIONAL PROVIDENT FUND COMMISSIONER,
SUB REGIONAL OFFICE, E.P.F. ORGANIZATION,
CHALAKKUZHY BUILDING, KOTTAYAM-686 001.

BY ADV. SRI.JOY THATTIL ITOOP, SC, EPF ORGANISATION

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

St/-

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

W.A. No.1226 of 2015

Dated this the 23rd day of September, 2015

JUDGMENT

Surendra Mohan, J.

The appellant is before us challenging the judgment of the learned Single Judge in W.P.(C) No.27480 of 2014. According to the learned counsel for the appellant, the concluding portion of the judgment where the learned Single Judge has held as follows:

"7. x x x x x x x
 x x x x x x x

If the petitioner does not produce an order from the CBT within six months, the respondent/Organization would be free to proceed for recovery. The petitioner cannot at this distance of time, claim a benefit under Ext.P2 or Ext.P8."

causes prejudice to the rights of the appellant. It is submitted that, the appellant has already instituted Contempt Case No.1284 of 2015 before this Court seeking implementation of the directions in Exts.P2 and P8. In the said Contempt Case, it is stated that, notice has already been ordered to the

Respondents. The proceedings are progressing.

2. Since the appellant has already initiated action to implement the directions in Exts.P2 and P8, it is sufficient that this Writ Appeal is disposed of vacating the direction extracted above, entitling the Respondent Organization to proceed with recovery, if no proceedings were initiated by the petitioner to produce an order from the CBT within the time stipulated therein.

Accordingly, this writ appeal is allowed to the limited extent of vacating the direction referred to above and permitting the appellant to pursue the Contempt proceedings already instituted as noted hereinabove.

Sd/-

**K. SURENDRA MOHAN
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-

23.09.2015