

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE ANIL K.NARENDHAN

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WA.No. 1394 of 2015 () IN WP(C).6761/2011

AGAINST THE ORDER/JUDGMENT IN WP(C) 6761/2011 of HIGH COURT OF KERALA
DATED 05-11-2012

APPELLANT(S) :

EMPLOYEES PROVIDENT FUND ORGANISATION
BHAVISHYA NIDHI BHAVAN, P.B NO. 1806
KOZHIKODE 673 006
RPERESNTED BY ITS ASSISTANT P.F COMMISSIONER (COMPLAINANCE
DIVISION)

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

RESPONDENT(S) /PETITIONER:

ASSAM BROOK LIMITED
HAVING ITS HEAD OFFICE AT 1, SHAKESPEARE SARANI
KOLKATA 700 071 REPRESENTED BY ITS MANAGING DIRECTOR
SURENDRA RAMPURIA

R BY SRI.P.RAVINDRA NATH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 08-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

&

ANIL K. NARENDRA, JJ.

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C.M. Appln. No. 740 of 2015

in W.A. No. 1394 of 2015

and W.A. No. 1394 of 2015

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Dated, this the 8th day of July, 2015

JUDGMENT

Ramachandra Menon, J.

C.M. Appln. No. 740 of 2015:

After hearing both the sides and considering the explanation offered in the affidavit filed in support of the C.M. Application, the delay is condoned.

W.A.

As agreed by both the sides, the merit of the appeal is heard.

2. During the course of hearing, it is brought to the notice of this Court that the judgment under challenge in W.P.(C) No. 6761 of 2011 was a common judgment involving four separate writ petitions. It is stated that the cause of action was in respect of four different assessments, which led to four different writ petitions. Pursuant to the said verdict, the concerned writ petitioners filed separate writ appeals as well. All other writ appeals were dismissed [W.A. No.

W.A No. 1394 of 2015

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1117 of 2014 vide judgment dated 12.08.2014, W.A. No. 1228 of 2014 vide judgment dated 02.09.2014 and W.A. No. 1130 of 2014 dated 24.11.2014] referring to the discretion vested with the authority to have reduced demand depending upon the facts and circumstances and also in view of the law declared by a Division Bench of this Court in **Regional Provident Fund Commissioner Vs. Harrisons Malayalm Limited [2013 (3) KLT 790]** on the point.

In the light of aforesaid judgments, this writ appeal also stands dismissed.

sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

sd/-

**ANIL K. NARENDRAN,
(JUDGE)**

kmd