

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 182 of 2015 (W)

PETITIONER(S):

**M/S.NIRAAMAYA RETREATS KOVALAM (P) LTD.,
(FORMERLY SURYA SAMUDRA HOLIDAY RESORTS (P) LTD),
PULINKUDI, MULLUR P.O, THIRUVANANTHAPURAM- 695 521,
REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE
SRI.BIJO ANTONY SEBASTIAN-MANAGER (HR)**

BY ADV. SRI.P.RAMAKRISHNAN.

RESPONDENT(S):

- 1. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EPF ORGANIZATION, REGIONAL OFFICE, PATTOM,
THIRUVANANTHAPURAM- 695 004.**
- 2. EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
4TH FLOOR, CORE 2, SCOPE MINAR,
LAXMI NAGAR, DELHI- 110 092.**

BY ADV. SMT.TN.GIRIJA, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 182 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1 TRUE COPY OF THE ORDER DATED 18-09-2014 ISSUED BY
 THE 1ST RESPONDENT.**

**EXHIBIT P2 TRUE COPY OF THE MEMORANDUM OF APPEAL SUBMITTED BY
 THE PETITIONER BEFORE THE 2ND RESPONDENT.**

**EXHIBIT P3 TRUE COPY OF THE ORDER DATED 29-12-2014 ISSUED BY
 THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

K.VINOD CHANDRAN, J

W.P.(C).No. 182 of 2015

Dated 6th January, 2015

JUDGMENT

The petitioner is aggrieved with the order at Ext.P1 and the demand raised, pending appeal filed before the Employees Provident Fund Appellate Tribunal. The petitioner was served with notice under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'EPF & MP Act') and an order was passed at Ext.P1 assessing contributions payable at Rs.1,79,030/-. The petitioner submits that despite a prayer for adjournment, the same was not granted and Ext.P1 was passed *ex parte*. The learned Standing Counsel appearing for the Provident Fund Organization, however, points out that Ext.P1 order itself would show that despite several opportunities given, the petitioner failed to produce the documents.

2. In any event, an appeal has been filed with a delay of 46 days and the same is not considered only

because the incumbent in the Appellate Tribunal has retired. In such circumstances, it is only proper that the recovery proceedings be kept in abeyance till the disposal of the appeal, on condition that the petitioner pays 30% of the amount demanded within a period of one month from today. If the amount so directed is paid within the period stipulated, definitely the recovery proceedings shall be kept in abeyance till the appeal is disposed of.

Writ petition is disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//