

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 423 of 2015 (C)

PETITIONER :

**SADBHAVANA WORLD SCHOOL
A UNIT OF SADBHAVANA KNOWLEDGE FOUNDATION
LOGOCITY
VELLIPARAMBA, KOZHIKODE
REPRESENTED BY ITS FINANCE MANAGER V.PRADEESH.**

BY ADV. SRI.PREMJIT NAGENDRAN

RESPONDENT(S) :

- 1. THE ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN
ERANHIPALAM P.O., KOZHIKODE-673 006.**
- 2. EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL
NEW DELHI, REPRESENTED BY IT'S REGISTRAR.**
- 3. THE PUNJAB NATIONAL BANK
EROTH CENTRE, BANK ROAD, KOZHIKODE
REPRESENTED BY IT'S CHIEF MANAGER, PIN-673 006.**

**R1 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC
R3 BY ADV. SRI.SANTHEEP ANKARATH, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 423 of 2015 (C)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 :** COPY OF THE ORDER NO.KR/KK/23861/ENF 5(2)/14B/2014/5068
DTD.30.9.2014 PASSED BY THE 1ST RESPONDENT.
- EXT. P2 :** COPY OF THE ORDER NO.KR/KK/23861/ENF 5(2)/7Q INTEREST/2014
DTD.3.9.2014 PASSED BY THE 1ST RESPONDENT.
- EXT. P3 :** COPY OF THE MEMORANDUM OF APPEAL FILED UNDER SECTION 7-1
OF THE EPF AND MP ACT, DTD.18.10.2014.
- EXT. P4 :** COPY OF THE AFFIDAVIT AND PETITION FOR STAY.
- EXT. P5 :** COPY OF THE AFFIDAVIT AND PETITION FOR WAIVER OF PRE-
DEPOSIT.
- EXT. P6 :** COPY OF THE ORDER OF ATTACHMENT
NO.KR/KK/23861/ENF 1(U)/DGM/2014-15/10920 DTD.1.1.2015 ISSUED BY
THE 1ST RESPONDENT.
- EXT. P7 :** COPY OF THE ORDER OF ATTACHMENT
NO.KR/KK/23861/ENF 1(U)/DGM/2014-15/10919 DTD.1.1.2015 ISSUED BY
THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K.VINOD CHANDRAN, J

W.P.(C).No. 423 of 2015

Dated this the 9th day of January, 2015

J U D G M E N T

Petitioner is aggrieved with the orders passed by the Assistant Provident Fund Commissioner produced at Exts.P1 and P2 for damages under Section 14B as also interest under 7Q of the EPF & MP Act, 1952. Admittedly, no appeal could be filed from an order imposing 7Q interest as has been held by the Supreme Court in **M/s.Arcot Textiles Mills Ltd. v. Regional Provident Fund Commissioner and others (A.I.R. [2014] SC 295).**

2. With respect to the damages under Section 14B, an appeal is provided under the Act and the petitioner has invoked the remedy by Exts.P3, and Ext.P4 petition for stay, within the time stipulated under the Act. However, it is submitted that there is no incumbent in the Office of the Tribunal and there is difficulty insofar as

getting even the appeal numbered, since the Bench as constituted now is available only in New Delhi and the appeal is ordinarily send by post to the Tribunal.

3. Considering the above circumstances, it is directed that the demand with respect to Section 14B shall be kept in abeyance till the interim application in the appeal or the appeal itself is considered, whichever is earlier. However, the said stay shall be applicable only on the petitioner satisfying the amount due as per Section 7Q of the Act. Petitioner is also granted two months' time to satisfy the said amount failing which recovery shall be proceeded against to recover the amount due under Section 7Q as also Section 14B.

As a consequence of above orders, Exts.P6 and P7 are set aside.

The writ petition stands disposed of as above. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge