

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 2421 of 2015 (C)

PETITIONER(S):

M/S.OLAM AGRO INDIA LIMITED,
IX/102, VARIKOLY P.O., PUTHENCROUZ,
ERNAKULAM-682 308,
REP. BY ITS SENIOR EXECUTIVE
(LEGAL & PERSONNEL) Mr.SANAL KUMAR

BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS

RESPONDENT(S):

1. THE REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE,
BHAVISHYANIDHI BHAVAN, KALOOR, KOCHI- 682 017

2. EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
SCOPE MINAR, CORE-II, 4TH FLOOR,
LAXMI NAGAR DISTRICT CENTRE,
LAXMI NAGAR, NEW DELHI- 110 092

BY SRI.A.RAJASIMHAN,SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, ALONG WITH W.P.(C).2424/15 THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

WP(C).No. 2421 of 2015

APPENDIX

EXHIBITS

P1- TRUE COPY OF THE ORDER DATED 12.12.2014 PASSED BY R1

P2- TRUE COPY OF THE APPEAL MEMORANDUM DATED 15.01.2015
(WITHOUT ANNEXURES) FILED BY THE PETITIONER BEFORE R2.

//True Copy//

P.A. To Judge

K.VINOD CHANDRAN, J

W.P.(C).Nos. 2421 & 2424 of 2015

Dated 23rd January, 2015

JUDGMENT

Identical petitioner is aggrieved by the demand raised as per two orders passed by the Employees Provident Fund Organization produced as Ext.P1 in both the writ petitions.

2. The contention of the petitioner is that, the appeal period expires only on 11.02.2015 and the order specifies that demand shall be satisfied within seven days. It is also submitted that, appeals have been filed within the time provided under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (EPF & MP Act) before the Appellate Tribunal, the diary numbers of which are 145/2015 and 146/2015. The difficulty in seeking for waiver of pre-deposit and obtaining an interim order is insofar

as there is no Presiding Officer in the Appellate Tribunal.

2. Especially considering the fact that the appeal period is not yet over and appeals have been filed, the demand against the petitioner as per Ext.P1 order in both the writ petitions, shall be kept in abeyance till 11.02.2015. If the petitioner is unable to obtain any orders from the Appellate Tribunal within that period, then there shall be a further stay on condition of payment of 30% of the amounts assessed within a period of two months from 11.02.2015. On such condition being satisfied, there shall be a stay of further demand till the appeals are disposed of by the Appellate Tribunal.

The writ petitions are disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//