

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

WP(C).No. 2653 of 2015 (F)

PETITIONER:

**M/S. DUPO PRINT PACK (P)LTD, VIII/406-A,
KEEN INDUSTRIAL AREA,
SOUTH VAZHAKULAM, ALUVA - 683 105,
REPRESENTED BY ITS MANAGING DIRECTOR,
SINU SEBASTIAN.**

**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 ASST. PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, 36/685A, BHAVISHANIDHI BHAVAN,
P.B. NO. 1895, KALOOR, KOCHI - 682 017.**
- 2. EMPLOEES 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
BY DR.S.GOPAKUMARAN NAIR (SENIOR ADVOCATE)**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 2653 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1- TRUE COPY OF THE ORDER DATED 05/01/2015 PASSED BY THE
1ST RESPONDENT.**

**EXHIBIT-P2- TRUE COPY OF THE APPEAL MEMORANDUM DATED 23/01/2015
(WITHOUT ANNEXURES) FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

K.VINOD CHANDRAN, J

W.P.(C).No. 2653 of 2015

Dated 3rd February, 2015

JUDGMENT

The petitioner is aggrieved by the demand raised as per Ext.P1 order passed by the Employees Provident Fund Organization/ 1st respondent.

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 fifteen days. It is also submitted that, appeal has 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 number of which is 183/2015. 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.

3. Especially considering the fact that the appeal period is not yet over and appeal has been filed, the demand against the petitioner as per Ext.P1 order, shall be kept in abeyance till the disposal of appeal or consideration of the interim application, on condition of payment of 30% of the amounts assessed within a period of two months from today. On such condition being satisfied, there shall be a stay of further demand till the appeal or the interim application is disposed of, whichever is earlier, by the Appellate Tribunal.

The writ petition is disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//