

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

W.P.(C).No.7822 of 2009 (W)

PETITIONER(S):

THE MANAGING DIRECTOR,
AGREENCO FIBRE FOAM (P) LTD., P.B.NO. 3622,
VALAPAATANAM , KANNUR -10.

BY ADVS.SRI.E.K.NANDAKUMAR [SENIOR ADVOCATE],
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.ANIL D. NAIR.

RESPONDENT(S):-

1. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEE'S PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, V.K.COMPLEX, KANNUR 670 001.

2. THE MANAGER
INDIAN OVERSEAS BANK, BALIAPATTAM, KANNUR.

R1 BY STANDING COUNSEL SRI.THOMAS MATHEW NELLIMOOTTIL.
R2 BY STANDING COUNSEL FOR IOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE PROHIBITORY ORDER DATED 19.02.2009
 ISSUED BY THE 1ST RESPONDENT.
- EXT.P2 TRUE COPY OF THE ATTACHMENT ORDER DATED 19.03.2008
 ISSUED BY THE 1ST RESPONDENT TO THE MANAGER, AXIS BANK,
 KANNUR BRANCH.
- EXT.P3 TRUE COPY OF THE DEMAND DRAFT DATED 19.3.2008 FOR
 RS.78,826/- ISSUED IN FAVOUR OF THE ASST. PROVIDENT FUND
 COMMISSIONER, KANNUR FROM THE AXIS BANK.

RESPONDENT'S EXHIBITS:-

NIL.

Vku/

(true copy)

K.Vinod Chandran, J.

W.P.(C).No.7822 of 2009-W

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner had challenged a demand raised under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 [for brevity "EPF Act"], under Exhibits P1 and P2. The petitioner's primary contention was that an amount of Rs.78,826/- which the petitioner had remitted, was not given credit to.

2. The EPF Organisation has filed a counter affidavit, in which it has been specifically stated that such deposit was for a different period.

3. In the light of the above, nothing survives in the writ petition. It is also to be noticed that the Section 7A order has not been challenged by the petitioner in a statutory appeal; nor in the present writ petition. Since there was a stay during all these years, the petitioner shall clear off the dues within three months from today and if not, the respondent shall be entitled to proceed for recovery.

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

Sd/-
K.Vinod Chandran
Judge

vkul/-

(true copy)