

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 4719 of 2015 (L)

PETITIONER(S):

**M/S.SWARNAKAMAL JEWELS (INDIA) PVT LTD,
BAKER JUNCTION, KOTTAYAM,
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR.JOJO JOSEPH**

**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. ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, KOTTAYAM-686601.**
- 2. EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
SCOPE MINAR, CORE II, 4TH FLOOR,
LAXMI NAGAR DISTRICT CENTRE, LAXMI NAGAR,
NEW DELHI-110092.**

BY SRI.JOY THATTIL ITOOP, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 4719 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE ORDER DATED 15/12/14 PASSED BY THE R1

**P2: COPY OF THE APPEAL MEMORANDUM DATED 9/2/15 (WITHOUT ANNEXURES)
FILED BY THE PETITIONER BEFORE THE R2**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.
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W.P.(C) No.4719 of 2015 - L
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Dated this the 13th day of February, 2015

J U D G M E N T

Ext.P1 is an assessment order passed against the petitioner under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for brevity, 'EPF & MP Act'), against which, petitioner filed Ext.P2 appeal before the 2nd respondent. Appeal is pending before the 2nd respondent. In the meanwhile, coercive proceedings have been initiated. It is in this context, the writ petition has been filed. The petitioner also contends that at present there is no presiding officer in the Tribunal.

2. In the above circumstances, it is only proper that, the coercive proceedings be stayed until orders are passed in Ext.P2, which order shall determine the matter

thereafter. There shall be a stay of recovery on condition of the petitioner paying 30% of the amounts, subject however to the final orders passed in the appeal.

Writ petition disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge