

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 6561 of 2015 (U)

PETITIONER(S) :

**KERALA STATE CO-OP. COIR MARKETING FEDERATION LTD. NO.679
(COIRFED), PANICKER ROAD, KOZHIKODE-673 611,
REPRESENTED BY SMT.M.REMANI, AGED 50 YEARS,
W/O.P.N.RAMESAN, THE REGIONAL OFFICER,
COIRFED, KOZHIKODE, RESIDING AT AMRITHANJALI HOUSE,
NEAR SELLERA CONVENT, P.O.MALAPARAMBA, KOZHIKODE.**

BY ADV. SRI.JOBY CYRIAC

RESPONDENT(S):

**THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
ERANHIPALAM P.O, KOZHIKODE - 673 006.**

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, S.C

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** THE TRUE COPY OF THE ORDER DATED 12-03-2010 OF THE INDUSTRIES DEPARTMENT OF KERALA government PROVIDING FINANCIAL ASSISTANCE TO THE PETITIONER.
- EXT.P2:** THE TRUE COPY OF THE SALE NOTICE DATED 25-01-2013 ISSUED BY KERALA STATE CO-OPERATIVE BANK LTD.,
- EXT.P3:** THE TRUE COPY OF THE NOTICE DATED 19-09-2014 FROM THE ASSISTANT PROVIDENT FUND COMMISSIONER PROPOSING LEVY OF DAMAGES AND INTEREST OF PF CONTRIBUTION FOR THE PERIOD FROM 04/2004 TO 10/2012.
- EXT.P4:** THE TRUE COPY OF THE WRITTEN SUBMISSION DATED 17-10-2014 OF THE PETITIONER BEFORE THE RESPONDENT.
- EXT.P5:** THE TRUE COPY OF THE ORDER UNDER SECTION 14-B DATED 25 NOV. 2014 PASSED BY THE RESPONDENT.
- EXT.P5(A):** TRUE COPY OF THE ORDER PASSED UNDER SECTION 7Q OF THE EPF ACT DATED 26-11-2014 BY THE RESPONDENT.
- EXT.P6:** TRUE COPY OF THE NOTIFICATION DATED 17-11-2014.
- EXT.P7:** TRUE COPY OF THE MEMORANDUM OF APPEAL (WITHOUT ANNEXURE) FORWARDED TO THE EPF APPELLATE TRIBUNAL, NEW DELHI FILED AGAINST EXT-P5 ORDER.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K.VINOD CHANDRAN, J

W.P.(C).No. 6561 of 2015

Dated 3rd March, 2015

JUDGMENT

Petitioner is aggrieved with the order passed by the Assistant Provident Fund Commissioner produced at Ext.P5 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 Ext.P7 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 sent 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.

The writ petition stands disposed of as above.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//