

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 7535 of 2015 (N)

PETITIONER:

**SUDHEER N.T., S/O.DIVAKARAN,
PROPRIETOR, SRI.UMADEVI SAREES,
JAFAR KHAN COLONY ROAD, SR ARCADE,
POST ERANHIPALAM,CALICUT-673 006**

**BY ADVS.SRI.U.K.DEVIDAS
SMT.P.M.SHAHIDA**

RESPONDENTS:

- 1. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
P.B NO.1806., ERANHIPALAM P.O, KOZHIKODE-673 006**
- 2. THE EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
CORE -II, 4TH FLOOR, SCOPE MINAR,
LAKSHMI NAGAR, NEW DELHI-110 092**

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 7535 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE ORDER DTD 27/10/2014 PASSED BY THE FIRST RESPONDENT**
- P2:- A TRUE COPY OF THE MEMORANDUM OF APPEAL**
- P3:- TRUE COPY OF PETITION FILED UNDER PROVISIO TO SECTION 7(O) OF THE EPF ACT READ WITH 3RD PROVISIO OF SECTION 7(2) OF THE EPF APPELLANT TRIBUNAL PROCEDURE RULES, 1997**
- P4:- TRUE COPY OF THE LETTER DTD 20/2/2015 SEND BY PETITIONER TO FIRST RESPONDENT**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No. 7535 of 2015 N

Dated this the 10th day of March, 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, there be some arrangement until orders are passed in Ext.P3, which order shall determine the matter thereafter. There shall be a stay of recovery on condition

of the petitioner paying 25% of the amounts, subject however to the final orders passed in the appeal, or the interim order, whichever is earlier in point of time.

Writ petition disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

//P.A to Judge//