

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 7948 of 2015 (P)

PETITIONER:

**M/S. T.G.POLYMERS & CO. ,
MUHAMMA.P.O., ALAPPUZHA - 688 525,
REPRESENTED BY ITS MANAGING PARTNER.**

BY ADV. SRI.K.K.PREMALAL

RESPONDENT:

**ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
BHAVISHYA NIDHI BHAVAN, KALOOR, KOCHI - 682 017.**

**BY SRI.A.RAJASIMHAN,SC
SRI.PRASANTH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 7948 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1 : THE TRUE COPY OF THE WRITTEN STATEMENT DATED 1.9.2014.**
- EXHIBIT P2 : THE TRUE COPY OF THE ORDER UNDER SECTION 7-A
DATED 22 JAN 2015.**
- EXHIBIT P3 : THE TRUE COPY OF THE NOTIFICATION DATED 7.11.2014
CONSTITUTING EPF APPELLAT TRIBUNAL BENGALURU.**
- EXHIBIT P4 : THE TRUE COPY OF THE LETTER DATED 12.11.2014, THE MINISTRY OF
LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA.**
- EXHIBIT P5 : THE TRUE COPY OF THE APPEAL SENT TO THE EPF APPELLATE
TRIBUNAL, NEW DELHI.**
- EXHIBIT P6 : THE TRUE COPY OF THE POSTAL RECEIPT OF EXHIBIT P5.**

RESPONDENT'S EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

K. Vinod Chandran, J.

=====

W.P.(C)No.7948 of 2015

=====

Dated this the 12th day of March, 2015.

JUDGMENT

1. Ext.P2 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.P5 appeal before the Employees Provident Funds Appellate Tribunal, which is pending. 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, coercive proceedings be stayed until orders are passed in Ext.P5, 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 off.

K. Vinod Chandran, Judge.

sl.