

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYASHTA, 1937

WP(C).No. 8242 of 2014 (E)

PETITIONER(S) :

**ABDUL KAREEM, AGED 30 YEARS,
S/O.HUSSAIN, KALAPARAMBIL HOUSE, MANAGING PARTNER,
SEEMA SILKS, CHANDAPADI, PONNANI,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND**

RESPONDENT(S) :

**THE EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
P.B.NO.1806, ERANJIPALAM P.O., CALICUT, PIN- 673 006,
REPRESENTED BY ITS ASSISTANT PROVIDENT FUND
COMMISSIONER, CALICUT.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE ORDER DATED 16.04.2012 PASSED UNDER SECTION 7A.

EXHIBIT P2: COPY OF APPLICATION FILED UNDER SECTION 7B BEFORE ASSISTANT PROVIDENT FUND COMMISSIONER, CALICUT SEEKING TO REVIEW EXHIBIT P1 DATED NIL.

EXHIBIT P3: COPY OF JUDGMENT DATED 20.12.2012 IN W.P.(C).NO.23938 OF 2012.

EXHIBIT P4: FRESH ORDER PASSED ON 12.03.2013 UNDER SECTION 7A BY ASSISTANT PROVIDENT FUND COMMISSIONER.

EXHIBIT P5: COPY OF INVOICE NO.KR/KK/28241/ENF.L(5)/2012-13 DATED 22.01.2013.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 8242 of 2014

Dated this the 2nd day of June, 2015

J U D G M E N T

Under challenge in this writ petition is Section 7A proceedings issued by the respondent.

2. The petitioner is the managing partner of a partnership firm. He alleges that Section 7A proceedings issued by the respondent was ex parte and the assessment was based on the names available in the muster roll, of which few are the partners of the firm and few others are the wives of the partners drawing above the ceiling limit for coverage and payment.

3. The learned counsel for the respondent, inviting my attention to Ext.P1, would submit that the same was an order of assessment under Section 7A passed against the establishment, of which the petitioner is the managing partner; and no appeal has been preferred against the said order. However, subsequently, a review petition was

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filed and the same was dismissed. The petitioner challenged the same before this Court in WP(C) No.23938/2012, which resulted in Ext.P3 judgment setting aside the orders. Subsequently, a notice was again issued and there was no response and Ext.P4 ex parte order has been passed.

4. As no satisfactory explanation is forthcoming from the petitioner for the lethargy on his part in not responding to the notice in time, this Court is of the view that the repeated attempts of the petitioner to get the orders passed by the respondent annulled with the intervention of this Court cannot be appreciated.

In the result, the writ petition fails; and accordingly, it is dismissed.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-