

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No.8222 of 2015 (C)

PETITIONER:

**NANDILATH G-MART,MAVOOR ROAD,CALICUT-673004,
REPRESENTED BY ITS MANAGER ROSHIN O.R.**

BY ADV. SRI.K.K.PREMALAL

RESPONDENT:

**THEASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEE'S PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE,ERANHIPALAM P.O.,
KOZHIKODE-673006.**

R1 BY SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.8222 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:THE TRUECOPY OF THE ORDERDATED 12.1.2007 IN WP(C) 1511 OF 2007
OF THE HONOURABLE HIGH COURT OF KERALA.

EXT.P2:THE TRUE COPY OF THE JUDGMENT DATED 26.8.2014 IN WP(C)
NO.22317 OF 2014 OF THE HONOURABLE HIGH COURT OF KERALA.

EXT.P3:THE TRUE COPY OF THE ORDER UNDER SECTION 14B DATED 5.2.2015
LEVYING DAMAGES AMOUNTING TO RS 3,44,446/-.

EXT.P4:THE TRUE COPY OF THE ORDER UNDER SECTION 7Q DATED 5.2.2015
CHARGING INTEREST AMOUNTING TO RS 1,55,854/-.

EXT.P5:THE TRUE COPY OF THE NOTIFICATION DATED 7.11.2014 CONSTITUTING
EPF APPELLATE TRIBUNAL BENGALURU.

EXT.P6:THE TRUE COPY OF THE LETTERDATED 12.11.2014, THE MINISTRY OF
LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA.

EXT.P7:THE TRUE COPY OF THE APPEAL SENT TO THE EPF APPELLATE
TRIBUNAL,NEW DELHI.

EXT.P8:THE TRUE COPY OF THE POSTAL RECEIPT OF EXHIBIT.P7.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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K.VINOD CHANDRAN, J

W.P.(C).No. 8222 of 2015

Dated 17th March, 2015

JUDGMENT

Petitioner is aggrieved with the order passed by the Assistant Provident Fund Commissioner produced at Exts.P3 & P4 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.

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//