

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 12751 of 2009 (L)

PETITIONER(S) :

AJEESH K.THOMAS, S/O. THOMAS KUTTY C.,
AGED 25 YEARS, PROPRIETOR, M/S. ATHEN CASHEW
FACTORY, CHANNAPETTA, MANOOR P.O.
KOLLAM, RESIDING AT K.P.BUNGLOW, OZHUKUPARAKKAL
AYOOR, KOLLAM.

BY ADVS.SRI.SAIJU S.
SRI.M.PREMKUMAR

RESPONDENT(S) :

1. THE EMPLOYEES' PROVIDENT FUND
COMMISSIONER, EMPLOYEES' PROVIDENT FUND
ORGANISATION BHAVISHYANIDHI BHAVAN, PATTOM PALACE
P.O., THIRUVANANTHAPURAM.

2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES' PROVIDENT FUND, ORGANISATION
SUB REGIONAL OFFICE, CHINNAKKADA, KOLLAM.

3. THE ENFORCEMENT OFFICER,
EMPLOYEES PROVIDEND FUND ORGANISATION, KOLLAM.

R1-3 BY ADV. SRI.V.V.SURESH,SC,EPF.ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 12751 of 2009

APPENDIX

PETITIONER'S EXHIBITS:

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EXHIBIT P1: COPY OF LICENCE GRANTED TO THE PETITIONER'S ESTABLISHMENT BY THE DEPARTMENT OF FACTORIES AND BOILERS.

EXHIBIT P2: COPY OF FORM 12-A SUBMITTED BY THE PETITIONER BEFORE THE EMPLOYEES' PROVIDENT FUND AUTHORITIES.

EXHIBIT P3: COPY OF ORDER DATED 1.9.2008, ISSUED AGAINST THE PETITIONER BY THE 2ND RESPONDENT UNDER SEC.7-A OF THE EMPLOYEES' PROVIDENT FUND AND MISCELLANEOUS PROVISIONS ACT, 1952.

EXHIBIT P4: COPY OF WARRANT OF ATTACHMENT OF MOVABLE PROPERTIES, DATED 11.3.2009, ISSUED AGAINST THE PETITIONER.

EXHIBIT P5: COPY OF JUDGMENT DATED 19.3.2009 PRONOUNCED BY THE HON'BLE HIGH COURT OF KERALA IN W.P(C) .NO.5518 OF 2009.

/TRUE COPY/

PS TO JUDGE

vgs

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.12751 of 2009

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Dated this the 11th day of September, 2015

JUDGMENT

The matter stands posted for orders. No representation for the petitioner.

2. In the writ petition, the petitioner has alleged that aggrieved by the imposition of liability by Ext.P3 order and P4 warrant of attachment, the petitioner filed an appeal under Section 7(1) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 before the Employees' Provident Fund Appellate Tribunal and he had made substantial deposit as pre-condition for the admissibility of appeal filed by him. He also pointed out that as no stay been granted by the Tribunal, the respondents were taking eminent steps to dispossess him.

3. Today when the matter cane up for hearing, the learned standing counsel for the respondents submitted that the appeal filed by the petitioner has been disposed on on 7.2.2011. Therefore,

as the matter has become infructuous, the writ petition is closed without examining the merits.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj