

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11912 of 2015 (L)

PETITIONER(S) :

**M/S.CHEMPAKA KINDERGARTEN,
STHUTHI, TC-25/178, DIVISIONAL OFFICE ROAD,
PMG, TRIVANDRUM- 695 033, REPRESENTED BY ITS
MANAGING PARTNER VERNON GOMEZ.**

BY ADV. SRI.K.K.PREMALAL

RESPONDENT(S)

**THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEE'S PROVIDENT FUND ORGANIZATION,
REGIONAL OFFICE, KERALA, "BHAVISHYANIDHI BHAVAN",
PATTOM, THIRUVANANTHAPURAM- 695 004.**

BY ADV. SMT.T.N.GIRIJA, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: THE TRUE COPY OF THE ORDER UNDER SECTION 14B
DATED 11.02.2015 LEVYING DAMAGES AMOUNTING TO RS.87/045/-**

**EXHIBIT P2: THE TRUE COPY OF THE ORDER UNDER SECTION 14B
DATED 11.02.2015 LEVYING DAMAGES AMOUNTING TO
RS.1,42,136/-**

**EXHIBIT P3: THE TRUE COPY OF THE NOTIFICATION DATED 07.11.2014
CONSTITUTING EPF APPELLATE TRIBUNAL BENGALURU.**

**EXHIBIT P4: THE TRUE COPY OF THE LETTER DATED 21.11.2014,
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 FROM EXHIBIT-P1.**

**EXHIBIT P6: THE TRUE COPY OF THE APPEAL SENT TO THE EPF APPELLATE
TRIBUNAL, NEW DELHI FROM EXHIBIT-P2.**

EXHIBIT P7: THE TRUE COPY OF THE POSTAL RECEIPT OF EXHIBIT-P5.

EXHIBIT P8: THE TRUE COPY OF THE POSTAL RECEIPT OF EXHIBIT-P6.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.
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W.P.(C) No.11912 of 2015 - L
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Dated this the 9th day of April, 2015

J U D G M E N T

Petitioner is aggrieved with the orders passed by the Assistant Provident Fund Commissioner produced at Exts.P1 and P2 for damages under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for brevity, 'EPF & MP Act').

2. With respect to the damages under Section 14B, an appeal is provided under EPF & MP Act and the petitioner has invoked the remedy by Exts.P5 and Ext.P6, within the time stipulated under EPF & MP Act. However, it is submitted that there is no incumbent in the Office of the Tribunal and there is difficulty insofar as getting even the appeal numbered, since the Bench as constituted now is available only in New Delhi and the appeal is ordinarily send by post to the Tribunal.

3. Considering the above circumstances, it is

directed that the demand with respect to Section 14B of the EPF & MP Act shall be kept in abeyance till the interim application in the appeal or the appeal itself is considered, whichever is earlier. However, the stay of demand shall be applicable only on the petitioner satisfying 30% of amount due demanded as per the EPF & MP Act. Petitioner is also granted two months' time to satisfy the said amount failing which recovery shall be proceeded to recover the amount due under the EPF & MP Act.

The writ petition stands disposed of as above. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge