

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 12682 of 2014 (I)

PETITIONER(S):

LAVENDER PHARMACEUTICALS PRIVATE LIMITED,
HAVING ITS REGISTERED OFFICE AT 2/30A, "SUDARSANAM"
EAST HILL, CALICUT - 673 005
REPRESENTED BY ITS MANAGING DIRECTOR, SRI.V.PRASAD.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENT(S)/RESPONDENTS:-:

1. REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES' PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, BHAVISHYA NIDHI BHAWAN
P.B.NO.1806, ERANHIPALAM P.O., KOZHIKODE - 673 006.
2. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES' PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, BHAVISHYA NIDHI BHAWAN
P.B.NO.1806, ERAHNIPALAM P.O., KOZHIKODE - 673 006.
3. THE ENFORCEMENT OFFICER,
EMPLOYEES' PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, BHAVISHYA NIDHI BHAWAN
P.B.NO.1806, ERAHNIPALAM P.O., KOZHIKODE - 673 006.

R. BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. A TRUE COPY OF THE MEDICAL CERTIFICATE DATED 07.05.2012
ISSUED BY DR.ASISH KUMAR, CALICUT.

EXHIBIT P2. A TRUE COPY OF THE PROCEEDINGS DATED 01.10.2013 OF THE 2ND
RESPONDENT.

EXHIBIT P3. A TRUE COPY OF THE REPRESENTATION DATED 11.06.2013 SUBMITTED
TO RESPONDENT NO.1.

EXHIBIT P4. A TRUE COPY OF THE APPLICATION FOR REVIEW DATED 07.03.2014 RE-
SUBMITTED BY THE PETITIONER.

EXHIBIT P5. A TRUE COPY OF THE PROSECUTION NOTICE DATED 28.03.2014
ISSUED BY RESPONDENT NO.3.

EXHIBIT P6. A TRUE COPY OF THE APPLICATION FOR INTERIM STAY DATED
08.04.2014 SUBMITTED BY THE PETITIONER WITHOUT ENCLOSURES.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.12682 of 2014

Dated this the 28th day of October, 2015

J U D G M E N T

The petitioner has not challenged Ext.P2 order passed under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act ['the Act' for short]. Such an order could be challenged on merits only in an appeal filed under Section 7I of the Act within the time prescribed. Even Ext.P4 application for review filed by the petitioner was rejected as filed out of time. The coercive steps initiated pursuant to Ext.P5 notice cannot therefore be faulted with.

2. I however grant the petitioner 6 monthly instalments to pay the amount demanded to avert the coercive steps. The amount shall be paid in 6 equal monthly instalments starting from 30.11.2015. The coercive steps shall be put on hold if the petitioner complies with the conditions in time. The coercive steps can surge ahead if the petitioner commits default in the payment of any one of the instalments.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj/28.10.15