

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C). No. 23120 of 2012 (L)

PETITIONER(S):

**SREEKUMAR, AGED 56 YEARS,
S/O. KUNJUKRISHNAPILLAI,
PROPRIETOR,
M/S.JAYASREE CASHEW COMPANY, DECENT JUNCTION,
MUGHATHALA, KOLLAM - 691 577.**

**BY ADVS.SRI.K.S.MANU (PUNUKKONNOOR)
SRI.M.SURESHKUMAR
SRI.M.J.ABRAHAM**

RESPONDENT(S):

**ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES' PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, KOLLAM - 691 001.**

BY ADV. SRI.V.V.SURESH, SC, EPF.ORGANISATION

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C). No. 23120 of 2012 (L)

APPENDIX

PETITIONER(S) EXHIBITS:-

EXHIBIT-P1 - TRUE COPY OF THE ORDER DT.19-12-11 ISSUED BY THE RESPONDENT.

EXHIBIT-P2 - TRUE COPY OF THE ORDER DT.16-5-12 ISSUED BY THE RESPONDENT.

RESPONDENTS' EXHIBITS:- NIL

KRJ

/True Copy/

P.A to Judge

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.23120 of 2012

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Dated this the 5th day of February, 2015

JUDGMENT

The petitioner is the owner of a cashew company covered under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short, the Act). The petitioner alleges that he was regularly paying the contribution to the fund, except for a few months, due to financial difficulty. The monthly payments due to the employees and the statutory payments also were delayed on that time. Therefore, the respondents initiated enquiry under Section 7A of the Act. Thereafter the petitioner paid the amount.

2. The respondents proceeded under Sections 7Q and 14B of the Act claiming that the petitioner defaulted in paying the dues for the period from March, 2009 to February 2010 and March 2010 to February 2011. According to the petitioner, this was without considering his request. The respondents are proceeding with Exts.P1

and P2 orders and the enforcement officer under them is taking hasty steps to enforce the above orders; so alleged the petitioner. It is with this background, the petitioner has approached this Court.

3. Today when the matter came up for hearing, the learned counsel for the petitioner submitted that the petitioner is ready to clear off the dues in ten monthly installments.

Therefore, the writ petition is disposed of permitting the petitioner to pay off the liabilities in ten equal monthly installments starting from 2.3.2015.

sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj