

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 21176 of 2015 (V)

PETITIONER(S):

**BHASKARAN K.,
MANAGING PARTNER, PRANAVAM TRAVELS, P.O. IRINGALLUR,
VENGARA, MALAPPURAM DISTRICT.**

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

RESPONDENT(S):

- 1. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
MALAPPURAM - 676 505.**
- 2. ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
P.B. NO 1806, ERANHIPALAM P.O, KOZHIKODE - 673 006.**
- 3. REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, MALAPPURAM - 676 505.**

**R1 BY ADV. SRI.P.M.HABEEB
R2 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC
R3 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 21176 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE CETIFICATE DATED 09-11-2012 ISSUED BY THE
2ND RESPONDENT EVIDENCING COVERAGE OF THE PETITIONER'S
BUS SERVICES UNDER EMPLOYEES PROVIDENT FUND AND
MISCELLANEOUS PROVISIONS ACT 1952 WITH CODE
NO.KRKKD 14558 WITH EFFECT FROM 01-05-1996.**

**EXHIBIT P2: TRUE COPY OF THE DEMAND NOTICE DATED 01-06-2015 ISSUED IN THE
NAME OF THE 1ST RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE CHALLAN RECEIPT DATED 09-03-2015 FOR
RS. 16,366/- ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE CLEARANCE CERTIFICATE DATED 06-08-2011
ISSUED BY THE 1ST RESPONDENT.**

**EXHIBIT P5: TRUE COPY OF THE JUDGMENT DATED 11-03-2008 IN
W.P(C) NO 8189/2008 PASSED BY THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21176 of 2015

Dated this the 14th day of July, 2015

J U D G M E N T

The petitioner is aggrieved by Ext.P2 notice on the ground that the same was issued without hearing him.

2. The petitioner is the Managing Partner of Pranavam Travels at Malappuram District engaged in the operation of stage carriage services and the vehicle is covered under the Employees Provident Fund Scheme under the 2nd respondent. The petitioner has sold stage carriage bearing Reg.No.KL-65-2662, which is included in Ext.P1 certificate to one Mr.Aneesh in Kozhikode District. But, the 1st respondent is not accepting contribution towards KMT WWF from the purchaser insisting for production of NOC from the 1st respondent. On receipt of the said insistence, the petitioner had made an application dated 29.05.2015 for the issuance of clearance certificate relating to the said vehicle. In response to the said application, the 1st respondent had issued an order dated 01.06.2015 saddling the petitioner with a liability of ₹1,13,400/- to be paid

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towards contribution on account of the KMT WWF for the said vehicle for the period commencing from 2005 June to 2014 May @ ₹1,050/- per month. The petitioner alleges that he was neither heard nor afforded with an opportunity of being heard before issuing Ext.P2 order. According to the petitioner, he has paid contribution towards EPF for the said vehicle and for other vehicles, which are owned by him. Hence, this writ petition.

3. Arguments have been heard.

Considering the nature of the submission and the relief sought for, the writ petition is disposed of directing the 1st respondent to reconsider the issue after affording the petitioner an opportunity of being heard de hors Ext.P2. It shall be open to the petitioner to produce sufficient documents to satisfy the 1st respondent that his claim is bona fide. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-