

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 29378 of 2010 (V)

PETITIONER(S):

**RENJITH ,S/O.VILASIDHARAN
M/S NAVAMI EXPORTS, PEROOR, KOLLAM**

**BY ADVS.SRI.B.MOHANLAL
SRI.SAIJU S.
SRI.C.SINOY**

RESPONDENT(S):

- 1. THE EMPLOYEES PROVIDENT FUND
ORGANIZATION, REPRESENTED BY THE REGIONAL PROVIDENT
FUND COMMISSIONER, REGIONAL OFFICE
BHAVISHYANIDHI BHAVAN, PATTOM PALACE PO
THIRUVANANTHAPURAM-4**
- 2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, THE EMPLOYEES PROVIDENT FUND
ORGANIZATION, SUB REGIONAL OFFICE KOLLAM.**
- 3. THE RECOVERY OFFICER
THE EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB REGIONAL OFFICE KOLLAM.**
- 4. THE ENFORCEMENT OFFICER (RECOVERY)
THE EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB REGIONAL OFFICE KOLLAM.**

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

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS

- EXT.P1 COPY OF THE ORDER NO.KR/2512/ENF.1(1)/2009 DATED 17.12.09
ISSUED BY THE 2ND RESPONDENT.
- EXT.P2 COPY OF THE REVIEW APPLICATION DATED 16.01.2010 FILED BY
THE PETITIONER.
- EXT.P3 COPY OF THE REVIEW APPLICATION DATED 22.07.10 FILED BY THE
PETITIONER.
- EXT.P4 COPY OF THE ORDER NO. KR/KLM/25172/ENF.1(1)/2010 DATED
10.08.10.
- EXT.P5 COPY OF THE ORDER NO.KR/KLM/25172/RECOVERY/2010 DATED
2.8.10 ISSUED BY THE 3RD RESPONDENT.
- EXT.P6 COPY OF THE MAHAZAR NO.KR/KLM/25172/EF.MVE&EFN./2010
DATED 16.09.10 ISSUED BY THE 3RD RESPONDENT.

RESPONDENTS EXHIBITS: **NIL**

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.
=====

W.P.(C) No.29378 of 2010 - V
=====

Dated this the 19th day of March, 2015

J U D G M E N T

The petitioner was before this Court, challenging the recovery proceedings initiated as also warrant of attachment of immovable property when actually a review under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for brevity, 'EPF & MP Act') was said to be pending before the authority. The review was filed against the order passed at Ext.P1 determining the defaulted contributions to the EPF Organisation. At the time of admission, this Court had granted an interim order for release of the goods on condition of the petitioner remitting 50% of the amounts.

2. It is submitted by the learned Counsel for the petitioner that, the said amounts have been remitted and review is still pending with the authority. The petitioner

shall appear before the 2nd respondent on 16.04.2015 and if the review is still pending, the petitioner shall be given a date for appearance for hearing and the same shall be finalised within a period of two months thereafter. If the review has already been disposed of, then definitely, the recovery shall be in accordance with the said order, subject to any modification having been made in any further proceedings. If the review is still pending, the recovery shall be kept in abeyance till the order is passed as directed above.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge