

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 32234 of 2015 (D)

PETITIONER(S):

M/S. SAHITHYA PRAVARTHAKA CO-OPERATIVE SOCIETY LTD
NO.2458, KOTTAYAM, REPRESENTED BY ITS SECREATARY
OFFICE OF THE SPCS, KOTTAYAM 686001

BY ADV. SMT.S.KARTHIKA

RESPONDENT(S):

1. REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, ADITYA SABARI TOWER
POST OFFICE ROAD, THIRUNAKARA, KOTTAYAM 686001
2. ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, ADITYA SABARI TOWER
POST OFFICE ROAD, THIRUNAKARA, KOTTAYAM 686001
3. RECOVERY OFFICER
EMPLOYEES PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, ADITYA SABARI TOWER
POST OFFICE ROAD, THIRUNAKARA, KOTTAYAM 686001

R1 -R 3 BY ADV. SRI.JOY THATTIL ITOOP, SC, EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32234 of 2015 (D)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE COPY OF THE JUDGMENT DATED 18.08.2008 IN WPC.NO.18821/2007
P2:TRUE COPY OF THE NOTICE DATED 25.03.2014 ISSUED BY THE 2ND RESPONDENT
P3:TRUE COPY OF THE REPLY DATED 02.06.2014 SUBMITTED BY THE PETITIONER
P4:TRUE COPY OF THE ORDER NO. KR/KTM/872/APFC/PENAL DAMAGE/2015 8320
DATED 17.07.2015 AND ORDER NO. KR/KTM/872/7Q/APFC/2015 DATED 16.07.2015
ALONG WITH THE RESPECTIVE TABLES

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 32234 OF 2015

Dated this the 29th day of October, 2015

JUDGMENT

Ext.P4 is a composite order passed under Secs.14B and 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner has a right of appeal against the order imposing damages under Sec.14B of the Act. The time has not run out and the petitioner intends to file an appeal at Delhi to be transmitted to Bangalore later. The coercive steps for recovery of the damages imposed under Sec.14B of the Act shall be put on hold for a period of four months. This is subject to the condition that the petitioner will file an appeal to condone the delay within the statutory period.

2. The petitioner is however obliged to pay the interest levied under Sec.7Q of the Act for which there is no appeal. I direct the petitioner to pay the amount due under the head in two equal bimonthly instalments. The

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first instalment shall be paid on or before 28.12.2015. The 2nd instalment shall be paid on 28.2.2016.

3. The coercive steps as against the petitioner shall be put on hold if the petitioner complies with the conditions. The coercive steps can continue if the petitioner commits default of any one of the conditions stipulated above.

The writ petition is disposed of as above.

V.CHITAMBARESH, JUDGE

sks