

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 32882 of 2015 (I)

PETITIONER(S)/PETITIONER:

THE CO-OPERATIVE SUGARS LIMITED
CHITTOOR NO. 4322, MENONPARA-678556, PALAKKAD
KERALA-REPRESENTED BY LIQUIDATOR, THE MANAGER
DISTRICT INDUSTRIES CENTRE, PALAKKAD.

BY ADVS.SRI.K.ANAND (SR.)
SMT.LATHA ANAND
SRI.M.N.RADHAKRISHNA MENON

RESPONDENT(S)/RESPONDENTS:

1. ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB-REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN
ERANJIPALAM P.O., CALICUT-673006.
2. THE ASSISTANT P.F. COMMISSIONER & RECOVERY OFFICER
EMPLOYEES PROVIDENT FUND ORGANIZATION
SUB-REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN
ERANJIPALAM P.O., CALICUT-673006.

R1&2 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE PROCEEDINGS IMPOSING DAMAGES ISSUED BY 1ST RESPONDENT DATED 05-01-2015.
EXHIBIT P2- TRUE COPY OF THE PROCEEDINGS CHARGING INTEREST ISSUED BY 1ST RESPONDENT DATED 05-01-2015.
EXHIBIT P3- TRUE COPY OF REPRESENTATION DATED 11-04-2014.
EXHIBIT P4- TRUE EXTRACT OF THE APPEAL DATED 7-3-2015.
EXHIBIT P5- TRUE COPY OF I.A.SEEKING TO ACCEPT I.A.
EXHIBIT P6- TRUE COPY OF I.A.SEEKING TO STAY THE OPERATION OF EXHIBIT P1 AND P2.
EXHIBIT P7- TRUE COPY OF DELAY APPLICATION.
EXHIBIT P8- TRUE COPY OF NOTICE DATED 22-05-2015.
EXHIBIT P9- TRUE COPY OF NOTIFICATION DATED 07-11-2014.
EXHIBIT P10- TRUE COPY OF JUDGMENT DATED 20-03-2015.
EXHIBIT P11
EXHIBIT P12- TRUE COPY OF NOTICES DATED 20-05-2015.
EXHIBIT P13- TRUE COPY OF PETITIONER'S LETTER.
EXHIBIT P14- TRUE COPY OF THE NOTICE OF ATTACHMENT OF 2ND RESPONDENT.
EXHIBIT P15- TRUE COPY OF LETTER DATED 05-3-2010 OF THE RESPONDENT.
EXHIBIT P16- TRUE COPY OF PETITIONER'S LETTER DATED 29-05-2015 ISSUED TO THE 1ST RESPONDENT.
EXHIBIT P17- TRUE COPY OF PETITIONER'S LETTER DATED 13-10-2015 ISSUED TO THE RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.32882 of 2015

Dated this the 6th day of November, 2015

J U D G M E N T

Ext.P1 order imposing damages and Ext.P2 order levying interest under Secs. 14B and 7Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 are under challenge. The same is challenged in Ext.P4 appeal accompanied by Exts.P5, P6 and P7 applications for condonation of delay and for stay.

2. The petitioner points out that a sitting of the Appellate Tribunal is shortly to commence at Bangalore. It is the further case that coercive steps should be put on hold till the sitting commences as done by the Supreme Court in Tasty Nuts' case.

3. The respondents point out that the order levying interest is not appealable and that the appeal against the component of damages is appealable. These are all matters to be considered by the Appellate Authority while considering Ext.P4 appeal and Exts.P5 to P7 Interlocutory Applications.

WP(C)NO.32882/2015

4. The property of the petitioner has evidently been attached by Ext.P14 notice for non-payment of the dues. Further proceedings for selling the attached property shall be put on hold till Ext.P4 appeal is boarded for hearing and Interlocutory Applications considered.

The Writ Petition is disposed of.

**V.CHITAMBARESH,
Judge.**

sks