

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.21454 of 2016

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ORDER

This writ petition is filed against the order dated 03.06.2016 passed by the respondent under Section 7-A of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act') and also the order dated 24.06.2016 attaching the Bank account of the petitioner.

2. Heard learned counsel for the petitioner and learned Standing Counsel for the respondent.

3. Learned counsel for the petitioner submits that the production incentive does not form part of EPF contributions and the same has been decided earlier by the appellate authority, against which, the EPF department has filed a writ petition and the same is pending, as such, the said issue cannot be decided in other way. She also submits that before the appeal time is over, the respondent has passed the impugned order attaching the Bank account of the petitioner.

4. On the other hand, learned Standing Counsel for the respondent submits that under Section 7-I of the Act, there is a provision of appeal before the Tribunal.

5. Since it is represented by the learned counsel for the petitioner that before the appeal time is over, the impugned attachment order was passed, this Court is of the considered view that the said attachment order dated 24.06.2016 is suspended for a period of two weeks from today. Meanwhile the petitioner can approach the Tribunal by filing an appeal under Section 7-I of the

Act and further, the petitioner shall keep 75% of the amount demanded in the concerned Bank account, to whom the prohibitory order was issued, till it approaches the Tribunal and obtains orders.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAJASHEKER REDDY, J.

1st July, 2017

Note:

Issue CC tomorrow.

(Bo)

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