



**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri.V.Vijaya Kumar, B.Sc., LLM, Presiding Officer.

(Monday the 30th day of May, 2022)

Appeal No.71/2022

Appellant : M/s.Air Travels Enterprises India Pvt.Ltd.
New Corporation Building
Palayam,
Trivandrum – 695 033.

By Adv. Ajith S Nair

Respondent : The Assistant PF Commissioner
EPFO, Regional Office
Pattom,
Trivandrum – 695 004.

This case coming up for hearing on 30.05.2022 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed from order dated 06.12.2021 issued by the respondent U/s 14B of EPF & MP Act 1952 assessing damages for belated remittance of contribution.

There is delay in filing the appeal. The delay is condoned in view of the directions of the Hon'ble Supreme Court of India.

The appeal is admitted. The impugned order is stayed and the respondent is restrained from taking any coercive action for recovery, subject to the appellant remitting the interest demanded U/s 7Q of the Act, for the same period, within a period of one month, from the date of receipt of this order.

On perusal of Sec 7(I) of the Act, it is seen that there is no provision under Sec 7(I) to challenge an order issued under Sec 7Q of the Act. The Hon'ble Supreme Court of India in **Arcot Textile Mills Vs RPFC**, AIR 2014 SC 295 held that no appeal is maintainable against 7Q order. The Hon'ble High Court of Kerala in **District Nirmithi Kendra Vs EPFO**, W.P.(C) 234/2012 also held that Sec 7(I) do not provide for an appeal from an order issued under Sec 7Q of the Act. The Hon'ble High Court of Kerala in **M/s. ISD Engineering School Vs EPFO**, W.P.(C) No.5640/2015(D) and also in **St. Marys Convent School Vs APFC**, W.P.(C) No.28924/2016 (M) held that the order issued under Sec 7Q of the Act is not appealable.

Issue notice to parties. Respondent to enter appear and file counter on 24.08.2022.

Sd/-

(V.VIJAYA KUMAR)
Presiding Officer