



सत्यमेव जयते

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

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

(Wednesday the 23rd day of February, 2022)

Appeal No.26/2022

Appellant : M/s.Ideal Publications Trust (Regd.)
Madhyamam Daily
Silver Hills
Kozhikode - 673012

By Adv.C. B. Mukundan

Respondent : The Regional PF Commissioner
EPFO, Regional Office
Eranjipalam P.O.
Kozhikode - 673006

This case coming up for admission on 23.02.2022 and the same day this
Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed from an order no.KR/KKD/11761/ENF-1(1)/
Damages/2021-22/3643 dt.06.12.2021 assessing damages U/s 14B of EPF & MP
Act, 1952 for belated remittance of contribution and order no.KR/KKD/11761/
ENF-1(1)/7Q/2021-22/3644 dt.06.12.2021 demanding damages U/s 7Q of the
Act.

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

No appeal U/s 7(I) of the Act is maintainable as there is no provision U/s 7(I) to file an appeal from an order issued U/s 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 U/s 7Q of the Act. The Hon'ble High Court of Kerala in **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 U/s 7Q of the Act is not appealable. Hence the appeal against 7Q order is dismissed as not maintainable.

Appeal against Sec 14B order is admitted. The impugned order is stayed subject to remittance of 7Q amount within a period of four weeks from today with the respondent.

Issue notice to the respondent to appear and file counter on or before 15.06.2022.

Sd/-

(V. VIJAYA KUMAR)
Presiding Officer