



सत्यमेव जयते

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

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

(Monday the 21st day of March, 2022)

Appeal No.40/2022

Appellant : M/s. Astanga Educational Trust,
1/1062, Guruvayoor Road,
Koottanad
Palakkad - 678 001

By Adv. Viju.K.Raphel
Adv. Siby.P.Jose

Respondent : 1. The Central Board of Trustees
EPFO, Bhavishyanidhi Bhavan,
14, Bhikaji Cama Palace,
New Delhi - 110 066

2. Regional PF Commissioner
EPFO, Bhavishyanidhi Bhavan,
Eranhipalam.P.O.
Kozhikode – 673 006

This case coming up for admission on 21.03.2022 and the same day this
Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed from an order issued by the respondent assessing
damages under Sec 14B of the EPF & MP Act for belated remittance of
contribution for the period from 04/2019 to 03/2021.

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

The appeal is admitted. It is pleaded in the appeal memo itself that the respondent had already recovered the amounts under Sec 14B and Sec 7Q of the Act. The recovery of the damages under Sec 14B of the Act is subject to the final outcome of this appeal. 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, and the recovery of the amount is in order.

Issue notice to the respondent to enter appearance and file counter on or before 15/06/2022.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer