



सत्यमेव जयते

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

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

(Monday the 4th day of April, 2022)

Appeal No.43/2022

Appellant : M/s.The Kerala Ceramics Ltd
Kundara
Kollam – 691501

By Adv.Pallichal S. K. Pramod

Respondent : The Assistant PF Commissioner
EPFO, Regional Office
Kollam – 691001

This case coming up for admission on 04.04.2022 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed from an order issued by the respondent U/s 14B of EPF & MP Act, 1952 assessing damages for belated remittance of contribution for the period from 03/2012 to 06/2021.

There is no delay in filing the appeal.

The appeal is admitted. The impugned order is stayed and the respondent is restrained from taking any coercive action for recovery of the

damages, subject to the condition that the appellant shall remit the interest demanded U/s 7Q within a period of two months since there is no provision for challenging an order U/s 7Q in appeal U/s 7(I).

On perusal of Sec 7(I) of the Act, it is seen that there is no provision U/s 7(I) to challenge 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 **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 U/s 7Q of the Act is not appealable.

Issue notice to the respondent to appear and file counter on 18/05/2022.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer