



सत्यमेव जयते

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

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

(Wednesday the 19th day of January, 2022)

APPEAL No.44/2021

(Old No.36(7)2007)

Appellant : The Plantation Corporation of Kerala Ltd
Mannarghat Cashew Estate
Thenkara P.O.
(via) Mannarghat
Palakkad - 678582

By Adv.Rajesh N.

Respondent : The Assistant PF Commissioner
EPFO, Sub Regional Office
Eranhipalam
Kozhikode – 673006

By Adv.(Dr.)Abraham P. Meachinkara

This case coming up for hearing on 19.01.2022 and the same day this Industrial Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed from order no.KR/KK/11933/ENF/Dam.Cell/II(1)/2006/6306 dt.24.11.2006 assessing damages U/s 14B of EPF & MP Act, 1952 (hereinafter referred to as 'the Act') for the period from 07/2001 to

10/2001. The total damages assessed is Rs.1,09,878/-. The interest demanded for the above said period is Rs.45,051/-.

2. When the matter was taken up for hearing the learned Counsel for the appellant filed the following statement.

3. The above appeal arises from the order bearing no.KR/KK/11933/ENF/Dam.Cell/II(1)/2006/6306 dt.24.11.2006 passed by the respondent U/s 14B of EPF & MP Act, 1952. The appeal was originally numbered as ATA No.36(7)/2007 and the same was pending before the Hon'ble EPF Appellate Tribunal, New Delhi. The said appeal was disposed of by the Hon'ble Tribunal vide order dt.30.10.2007 by reducing the damages to 70% as assessed by the respondent. The said appeal was disposed of by the Tribunal along with other connected appeals.

4. The order of the Hon'ble Tribunal was challenged by the appellant Corporation before the Hon'ble High Court of Kerala by filing W.P.(C) No.5960/2008. The said writ petition was disposed of by the Hon'ble High Court vide judgment dt.07.02.2013 directing the respondent therein to re-assess the penalty at the rate of 30% of the amount levied as damages. The said judgment was again challenged by the appellant Corporation by filing an appeal before the Hon'ble Division Bench of Hon'ble High Court as W.A.no.743/2013. The said

appeal was dismissed by the Hon'ble Division Bench vide judgment dt.11.08.2014.

5. It is submitted that, subsequently, the appellant Corporation received an order re-assessing the penalty at the rate of 30% and accordingly, the appellant remitted an amount of Rs.31,094/- vide demand draft No.283207 dt.12.11.2015 drawn on State Bank of India, Calicut branch in favour of the Regional PF Commissioner, Kozhikode and thereby complied with the order.

6. Since the issue involved has already attained finality, nothing remains in this appeal to be adjudicated.

Hence the appeal is closed.

Sd/-
(V. Vijaya Kumar)
Presiding Officer