



सत्यमेव जयते

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

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

(Friday the 8th day of April, 2022)

Appeal No.48/2022

Appellant : M/s.Pushpagiri Institute of
Medical Sciencesp
Thiruvalla P.O.
Thukalassery Muri
Thiruvalla
Pathanamthitta - 689101

By Adv.Bijoy Chandran

Respondents : 1. Central Board of Trustees
EPFO, Bhavishyanidhi Bhavan
14, Bhikaji Cama Palace
New Delhi – 110066
2. The Regional PF Commissioner
EPFO, Regional Office
Trivandrum - 695004

This case coming up for admission on 08.04.2022 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 02/2020 to 07/2020.

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 of the Act 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 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 13/07/2022.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer