



सत्यमेव जयते

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

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

(Friday the 8th day of April, 2022)

Appeal No.50/2022

Appellant : M.H.E.S. College of Science &
Technology
Cherandathur
Vadakara
Kozhikode - 673541

By Adv.Reeha Khader K. &
Adv.Reshma R. Nair

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

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
assessing damages U/s 14B of EPF & MP Act, 1952 for belated remittance of
contribution for the period from 04/2017 to 06/2020.

The appeal is filed within time.

The appeal is admitted. The impugned order is stayed and the respondent is restrained from taking any coercive action for the recovery on the condition that the appellant pays the interest U/s 7Q of the Act for the same period within one month 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 15/06/2022.

Sd/-

(V. VIJAYA KUMAR)
Presiding Officer