



सत्यमेव जयते

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

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

(Monday the 26<sup>th</sup> day of July, 2021)

**APPEAL No.511/2019**  
(Old no.15(7)2008)

Appellant : M/s.Parisons Estates and  
Industries Pvt Ltd  
6/1183, Cherootty Road  
Kozhikode - 673032

By M/s.Menon & Pai

Respondent : The Assistant PF Commissioner  
EPFO, Regional Office  
Kozhikode - 673006

By Adv.(Dr.)Abraham P. Meachinkara

This case coming up for final hearing on 26.07.2021 and the same day  
this Tribunal-cum-Labour Court passed the following:

**ORDER**

Present appeal is filed from order no.KR/KK/285/ENF-3(4)/2007/5601  
dt.05.11.2007 assessing damages U/s 14B of EPF & MP Act, 1952  
(hereinafter referred to as 'the Act') for belated remittance of contribution  
for the period from 04/2004 to 02/2005. The total damages assessed is  
Rs.1,23,923/-.

2. The appeal is filed before the EPF Appellate Tribunal, New Delhi. EPF Appellate Tribunal vide its order dt.23.08.2010 allowed the appeal. The respondent filed a review application dt.05.03.2014 seeking to rectification of a discrepancy in the order. According to the respondent the period of default involved in the appeal is for the period from 04/2004 to 02/2005 and 04/2001 to 03/2004 whereas as per the order of the EPF Appellate Tribunal the estate was purchased on 24.12.2004 and the claim relates to the period 04/2001 to 03/2004. The respondent/review petitioner prayed that the above correction requires to be incorporated in the order as the error appeared on the face of the record.

3. When the review petition is taken up for hearing the learned Counsel for the appellant submitted that the respondent organisation has already preferred an appeal from the order of the EPF Appellate Tribunal, New Delhi and the matter is pending. The learned Counsel for the respondent was directed to confirm the submission made by the learned Counsel for the appellant. The learned Counsel for the respondent filed a memo stating that against the order dt.07.02.2011 in ATA no.15(7)2008 (re-numbered as Appeal no.511/2019) by the Hon'ble EPF Appellate Tribunal New Delhi, writ petition has been filed before the Hon'ble High

Court of Kerala in W.P.(C) no.9299/2014 and the matter is pending before the Hon'ble High Court of Kerala.

4. Since the respondent has already challenged the order of the EPF Appellate Tribunal before the Hon'ble High Court of Kerala and is pending, this review petition is not maintainable.

Hence the review petition is dismissed.

Sd/-  
(V. Vijaya Kumar)  
Presiding Officer