



सत्यमेव जयते

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

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

(Thursday the 5<sup>th</sup> day of May, 2022)

**Appeal No.57/2022**

Appellant : M/s.Mcleod's English School  
Poomala P.O.  
Sultan Bathery  
Wayanad – 673592

By Adv.Mithun Baby John

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

This case coming up for admission on 05.05.2022 and the same day this Tribunal-cum-Labour Court passed the following:

**ORDER**

Present appeal is filed from order dt.14.02.2022 issued by the respondent U/s 14B of EPF & MP Act, 1952 assessing

damages for belated remittance of contribution for the period from 06/2017 to 07/2019.

The appeal is filed in time.

It is seen that the impugned order is challenged by the appellant on the ground of financial constraints.

The appeal is admitted. The impugned order is stayed and the respondent is restrained from taking any coercive action for recovery, until further orders, subject to the condition that the appellant shall remit the interest demanded U/s 7Q of the Act for the same period, within 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 parties. Adjourned to 03.08.2022 for the respondent to enter appearance and file counter.

Sd/-  
(V. VIJAYA KUMAR)  
Presiding Officer