



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

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

(Thursday the 5th day of May, 2022)

Appeal No.58/2022

Appellant : M/s.The Malabar Co-operative
Textiles Ltd
Karthala Chungam
Athavanad, Kuttippuram
Malappuram – 676301

By Adv.Alexander Joseph

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 the order dt.01.04.2022 issued by the respondent U/s 14B of EPF & MP Act, 1952 assessing

damages for belated remittance of contribution for the period from 07/2019 to 03/2021.

There is no delay in filing the appeal.

According to the appellant, the delay in remittance was due to the financial constraints of the appellant establishment during the relevant time.

The appeal is admitted. The impugned order is stayed and the respondent is restrained from taking any coercive action for recovery, subject to the condition that the appellant shall remit the interest demanded U/s 7Q of the Act for the same period within a 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.

Adjourned to 03.08.2022 for the respondent to enter appearance and file counter. Issue notice to the parties.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer