



सत्यमेव जयते

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

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

(Monday the 18th day of January, 2021)

**APPEAL No.627/2019
(Old no.529(7)2013)**

Appellant : The Co-operative Sugars Ltd
Chittur, Menon Para
Palakkad - 678556

By M/s.B.S.Krishnan Associates

Respondent : The Assistant PF Commissioner
EPFO, Sub Regional Office
Eranhipalam P.O.
Kozhikode – 673006

By Adv.(Dr.)Abraham P. Meachinkara

This case coming up for final hearing on 29.12.2020 and this Tribunal-cum-Labour Court on 18.01.2021 passed the following:

ORDER

Present appeal is filed from order no.KR/KK/2356/ENF2(3)/2013/2940 dt.28.06.2013. The respondent filed counter. When the matter was taken up, it

was pointed out that the impugned order which is challenged is a prosecution notice issued by the respondent to the appellant for non remittance of provident fund dues for the period from 03/2002 to 06/2008.

2. On a perusal of Sec 7(I) of the EPF & MP Act, 1952 it is seen that no appeal is provided under the Act from a prosecution notice issued by the respondent. As per Sec 7(I)

“Appeals to the Tribunal –

- (1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government, or any authority, under the proviso to sub-section(3), or sub-section (4), of section 1, or section 3, or sub-section (1) of section 7A, or section 7B [except an order rejecting an application for review referred to in sub-section (5) thereof], or section 7C, or section 14B, may prefer an appeal to a Tribunal against such order.
- (2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.

In view of the above provision, an appeal cannot be filed U/s 7(I) from the impugned prosecution notice issued by the respondent. Further the learned Counsel for the appellant also submitted that the amount as per the impugned prosecution notice has already been paid.

In view of the above, the appeal is dismissed as not maintainable.

Sd/-
(V. Vijaya Kumar)
Presiding Officer