



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

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

(Wednesday the 18th day of May, 2022)

Appeal No.65/2021

Appellant : M/s.F. N. Cashew Exports
Kilikolloor P.O.
Kollam – 691004

By Adv.B. Mohanlal

Respondent : The Regional PF Commissioner
EPFO, Sub Regional Office
Parameswar Nagar
Kollam - 691001

By Adv.Pirappancode V. S. Sudheer &
Adv.Megha A.

This case coming up for hearing on 18.05.2022 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed from multiple orders issued U/s 7Q of EPF & MP Act, 1952 (hereinafter referred to as ‘the Act’). The above said appeal is dismissed vide order dt.25.11.2021.

The appellant thereafter filed the present review application. According to the learned Counsel for the appellant, by oversight, the appellant challenged the Sec 7Q order instead of Sec 14B order. It was therefore prayed that the appellant may be allowed to replace the Sec 7Q order with Sec 14B order.

Heard the Counsels. It is seen that the appeal is filed from multiple order issued U/s 7Q of the Act. The appeal is not maintainable as Sec 7(I) of the Act does not provide for any appeal from a Sec 7Q demand of interest and fall on the ground that a single appeal is filed from multiple order. However the appeal was posted on 25.11.2021 for admission. There was no representation for the appellant. The respondent was represented through the Standing Counsel. The learned Counsel for the respondent opposed the admission on the ground that the appeal from Sec 7Q order is not maintainable. Hence the appeal was dismissed.

In this review application, the review petition has taken a contradictory stand. In para 3 of the affidavit, it is stated that “ due to inadvertent mistake wrongly incorporated Annexure A1 & A3 orders U/s 7Q of the Employees Provident Fund and Miscellaneous Provisions Act 1952 instead of 14B order ”. In Para 4 of the affidavit it is stated that “ In fact the multiple order issued by the respondent overlapped the period and the appeal is maintainable, however this aspect of the matter could not be brought to the notice of this Hon’ble

Tribunal and in view of the above factual scenario of the case there is error apparent on the face of the record in the order of this Hon'ble Tribunal dt.25.11.2021, it may be reviewed “.

If there is a mistake in the order impugned in the appeal, the same cannot be corrected through a review application as the scope of review application is very limited. If there is any overlap in period in the Sec 7Q demand of interest, the remedy is to approach the respondent authority to correct the same as no appeal is maintainable. Any way the appellant/review petition was given an opportunity by this Tribunal, before the impugned order is issued. The appellant/review petition did not avail the opportunity.

In view of the above position, the review petition is not maintainable.

Hence the review application is dismissed.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer