



सत्यमेव जयते

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

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

(Tuesday the 24th day of May, 2022)

Appeal No.65/2022

Appellant : M/s. Traco Cable Company Ltd
Factory Office
Irimpanam
Kochi - 682309

By M/s.Menon & Pai

Respondent : The Regional PF Commissioner
EPFO, Sub Regional Office
Kochi - 682017

This case coming up for admission on 24.05.2022 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed from order dt.16.12.2021 issued by the respondent U/s 14B of EPF & MP Act, 1952 assessing damages for belated remittance of contribution.

There is delay in filing the appeal. The delay is condoned in view of the directions of the Hon'ble Supreme Court of India.

The appeal is admitted. The impugned order is stayed until further orders and the respondent is restrained from taking any coercive action for recovery, subject to remittance of interest U/s 7Q of the Act within a period of one month from the date of receipt of this order, as there is no provision to file appeal from a demand U/s 7Q.

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 parties. Respondent to enter appearance and file counter on 29.08.2022.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer