



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

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

(Tuesday the 24<sup>th</sup> day of May, 2022)

**Appeal No.67/2022**

Appellant : M/s.Dr. Somervell Memorial CSI  
Medical College  
Karakonam  
Trivandrum – 695 504

By Adv.Pallichal S. K. Pramod

Respondent : The Regional PF Commissioner  
EPFO, Regional Office, Pattom  
Trivandrum – 695004

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.15.03.2022 issued by the respondent U/s 14B of EPF & MP Act, 1952 assessing damages for belated remittance of contribution.

The appeal is filed in time and there is no delay.

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 U/s 7Q of the Act for the same period, within a period of one month from the date of receipt of this order, as there is no provision U/s 7(I) to challenge an order demanding interest.

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 24.08.2022.

Sd/-  
(V. VIJAYA KUMAR)  
Presiding Officer