

(2000) 07 KAR CK 0016
In the Karnataka High Court
Case No : Writ Petition No. 25540 of 2000

Alvares and Thomas

APPELLANT

Vs

Recovery Officer, Employees' Provident Fund Organisation
and Another

RESPONDENT

Date of Decision : 28-07-2000

Acts Referred:

Provident Funds and Miscellaneous Provisions Act, 1952 — Section 7 (a), 7 (c)

Citation : (2000) 3 KCCR 2306

Hon'ble Judges : M.P. Chinnappa, J

Bench : Single Bench

Advocate : K.M. Nataraj, for the Appellant; V.P. Padmanabha Kedilaya, for the Respondent

Judgement

M.P. Chinnappa, J.—Heard the learned Counsel for the respective parties.

2. The only grievance of the Petitioner herein is that he has preferred an appeal before the Appellate Authority u/s 7(c) of the Provident Funds and Miscellaneous Provisions Act, 1952. The Authority, while granting stay order as sought for, imposed a condition that the Petitioner shall deposit the full amount determined by the 2nd Respondent u/s 7(c) of the Act.

3. Learned Counsel for the Petitioner has vehemently argued that the question of depositing 75% of the amount determined by the Respondent would occur only in case the determination was done only u/s 7(a) of the Act.

4. Admittedly, the impugned order came to be passed by the 2nd Respondent u/s 7(c) of the Act. Therefore, depositing the amount is not made a condition precedent to entertain the appeal. I have carefully gone through the provision of law. Only Section 7(a) mandates that, to entertain the appeal, the Appellant should deposit 75% of the amount so determined. But, such direction is not found in Section 7(c) of the Act. Therefore, the impugned order in so far as it relates to directing the Petitioner to deposit the full amount is set aside.

Appellate Authority is directed to proceed with the case in accordance with law without insisting for the deposit of the amount. Consequently, annexure B is also quashed.

5. Petition is disposed of accordingly.