

(2017) 01 KAR CK 0330
In the Karnataka High Court
Case No : 62366 of 2016

HMT MACHINE TOOLS LTD

APPELLANT

Vs

REGIONAL PROVIDENT FUND COMMISSIONER & ANR.

RESPONDENT

Date of Decision : 25-01-2017

Acts Referred:

[Employees Provident Funds and Miscellaneous Provisions Act, 1952](#), [Section 7A](#), [Section 7A](#), [Section 7I](#), [Section 7I](#) - Determination of moneys due from employ

Citation : (2017) 01 KAR CK 0330

Hon'ble Judges : B Veerappa

Bench : SINGLE BENCH

Advocate : Muralidhar H M, B Pramod

Final Decision : Dismissed

Judgement

1. The petitioner is before this court in these writ petitions for a writ of certiorari to quash the impugned order dated 05/08.05.2015 at Annexure -B passed by the first respondent made in Order No. KN/PNY/PF/EXM/873/21/2015-16 passed under the provisions of Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Fund Act, 1952, determining the dues of PF payable by the employer to the Trust assessed for 02/2014 to 01/2015 for a sum of Rs.3,31,10,400/- and also the dues under EPS, EDLI and the administrative charges for the period of 02/2014 to 01/2015 payable to RPFC for a period of 02/2014 to 01/2015 in a sum of Rs.53,69,086/- Rs,3,59,298/- and Rs.9,980/- respectively.

2. Sri. B.Pramod, learned counsel appearing for respondent Nos. 1 and 2 pointed out that the impugned orders passed by the first respondent exercising power under Section 7-A of the Employees' Provident Fund and Miscellaneous Provisions Fund Act, 1952, is appealable under the Provisions of Section 7-I of the said Act. The said alternative remedy of appeal as stated by Sri. Pramod, is

not disputed by the learned counsel appearing for the petitioner - Sri.Muralidhar H.M., and he fairly submits that he may be permitted to withdraw the writ petitions with liberty to avail the alternative remedy of appeal. But he seeks four weeks time to file appeal by extending the interim order passed by the court.

3. Considering the gravity of the impugned order passed by the first respondent, the present writ petitions are dismissed as withdrawn with liberty to the petitioner to file an appeal before the Appellate Tribunal as contemplated under the provisions of Section 7-I of Employees' Provident Fund and Miscellaneous Provisions Fund Act, 1952, within a period of three weeks. Till then, the impugned order dated 05/08.05.2015 is stayed for a period of three weeks. The Tribunal shall decide the application as well as the main matter on merits and pass appropriate orders in accordance with law.

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