(2016) 06 KAR CK 0171

In the Karnataka High Court

Case No : WP No. 33126 and 34935-34938 of 2016 (L-PF)

M/s. SNS Control Systems APPELLANT

Vs

The Regional Provident Fund and Recovery Officer RESPONDENT

Date of Decision : 23-06-2016

Acts Referred:

Employees Provident Funds and Miscellaneous Provisions Act, 1952 — Section 14B, 7A, 7Q

Citation : (2016) 151 FLR 344 : (2016) LabLR 944

Hon'ble Judges : Mr. Arvind Kumar, J.

Bench : Single Bench

Advocate : Mr. B.T. Venkatesh, Advocate, for the Appellant; None, for the Respondent

Final Decision : Disposed Off

Judgement

Arvind Kumar, J.—Petitioner is before this Court calling in question order passed by the respondent/authority quantifying interest payable under Section 7Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (?Act? for short) which was pursuant to the order passed under Section 7A determining the amount payable by petitioner/employer and on account of non-payment of said amount, proceedings under Section 14B for levy of penalty also came to be passed by order dated 31-12-2014. Consequent notices issued are impugned in these writ petitions.

2. Though petitioner in the instant case has neither produced the order passed under Section 7A or under Section 14B, it goes without saying that an order quantifying interest payable is as per Section 7Q which is on the basis of amount quantified by adjudication under Section 7A. An order passed under 7A as well as order passed under 14B are appealable under Section 71 of the ?Act?.

3. In that view of the matter, this Court is of the considered view that petitioner cannot be allowed to knock the doors of this Court without exhausting the available and alternative remedy. As such, reserving liberty to the petitioner to

approach the appellate tribunal, writ petition stands disposed of. However, no opinion is expressed on the merits of the case. All grounds and contention urged in these writ petitions are kept open. Ordered accordingly

