



KERALA HIGH COURT
Hon'ble Mr. Murali Purushothaman, J.
WP (C) No. 35307/2024, Dt/- 16-1-2025

M/s. Prima Beverages Private Ltd.
v.
Regional Provident Fund Commissioner-II (C&R) and Others

EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952 – Section 7A – EPF Authority passed an order under section 7A of the Act – Since the Presiding Officer of the concerned EPF Appellate Tribunal was not functioning, appeal filed by petitioner could not be considered – EPF Authority initiated recover proceedings – Petitioner challenged orders of EPF Authority by filing writ petition – Held, writ court stayed the further recovery proceedings for ten days which was subsequently extended for three months – Since no Presiding Officer for Tribunal was there, it is not presently functional, interim stay order will continue till the Tribunal becomes functional – Writ petition is disposed accordingly. Paras 2 and 3

For Petitioner: Mr. Paulson C. Varghese and Mr. C.V. Veena, Advocates.

For Respondents: Mr. V. John Mani, Mr. Lal K. Joseph, Mr. P. Muraleedharan (Thuravoor), Mr. T.A. Luxy, Mr. Suresh Sukumar, Mr. Anzil Salim and Mr. Sanjay Sellen, Advocates.

IMPORTANT POINTS

- **When the Presiding Officer of the EPF Appellate Tribunal is not functioning, challenging order of EPF Authority by filing writ petition is the appropriate remedy.**
- **High Court can stay the garnishee proceedings against the establishment when the appeal is pending but the Tribunal is not functional.**

JUDGEMENT

The petitioner has filed Ext.P2 appeal before the Central Government Industrial Tribunal cum Labour Court, Ernakulam ('Tribunal' for short) challenging Ext.P1 order passed by the 1st respondent under section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act'). It is submitted by the learned counsel for the petitioner that, since there is no Presiding Officer for the Tribunal, the Tribunal is not functional at present and Ext.P2 appeal is not so far considered. In the meantime, garnishee proceedings were initiated by respondents 3 and 4 respectively as per Exts.P3 and P4. Challenging Exts.P1, P3 and P4 the petitioner has filed this writ petition.

2. This Court, on 09-10-2024, has stayed the further proceedings pursuant to Exts.P3 and P4, for a period of ten days which was subsequently extended for a period of three months as per order dated 18-10-2024.

3. Since there is no Presiding Officer for the Tribunal and the Tribunal is not presently functional, the interim order passed by this Court on 09-10-2024 will continue till the Tribunal becomes functional and Ext.P2 appeal is heard and disposed of.

The writ petition is disposed of with the above direction.

Ref: LLR

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