

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.SURENDRA MOHAN**

**FRIDAY, THE 30TH APRIL 2010 / 10TH VAISAKHA 1932**

**WP(C).No. 13992 of 2010(Y)**  
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**PETITIONER(S):**  
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**REHANA NAZAR,AGED 46,W/O.NAZAR MUSALIAR,  
PROPRIETRIX MRS.SHAMNA,CASHEWS,ANZARI MANZIL,  
VADAKKEVILA P.O,KOLLAM.**

**BY ADV. SRI.H.HARIKUMAR (KOLLAM)**

**RESPONDENT(S):**  
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- 1. THE PROVIDENT FUND COMMISSIONER,  
EMPLOYEES PROVIDENT FUND ORGANISATION,  
THIRUVANANTHAPURAM.**
- 2. THE ASSISTANT PROVIDENT FUND  
COMMISSIONER,OLD MUNICIPAL BUILDING,  
KOLLAM,KERALA.**

**R1 & R2 BY ADV. SRI. V.V. SURESH, SC, EPF**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30/04/2010, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Kss**

**K.SURENDRA MOHAN, J.**

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**W.P.(C) No.13992 of 2010**  
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**Dated this the 30<sup>th</sup> day of April, 2010**

**JUDGMENT**

The petitioner is the proprietrix of M/s Shamna Cashews, Kollam. The factory is facing a financial crisis and has therefore defaulted payment of provident fund contributions under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (the 'Act' for short). Consequent to the default in payment of contributions, the respondents initiated action against the petitioner by issuing demand notices in respect of the amounts due and by charging interest and imposing damages under Section 14B of the Act. The said proceedings are under challenge in this Writ Petition.

2. Since it is admitted by the petitioner that default in payment of the provident fund contribution was committed, the amount imposed under Section 14B has to be paid. However, considering the bad financial condition of the petitioner, the petitioner is granted permission to pay the said amount in three monthly instalments. If the

petitioner has any grievance regarding the order passed under Section 7Q of the Act, he may challenge the same by filing a review petition against it.

3. In the above circumstances, this Writ Petition is disposed of directing the petitioner to pay an amount of Rs.1,00,000/-(Rupees One Lakh only) on or before 30.5.2010, an amount of Rs.1,50,000/- (Rupees One lakh Fifty Thousand only) on or before 30.6.2010 and the balance amount demanded in Ext.P3 under Section 14B on or before 30.7.2010. Regarding the amount charged under Section 7Q, the petitioner is left free to challenge the same in appropriate proceedings under the Act. It is made clear that if the petitioner defaults payment of the instalments stipulated above, the authorities are free to proceed with appropriate action for recovery of the amounts in Ext.P3, in accordance with law.

**K.SURENDRA MOHAN,  
JUDGE**

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