



2025:KER:13452

WP(C) NO. 19496 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 18TH DAY OF FEBRUARY 2025 / 29TH MAGHA, 1946

WP(C) NO. 19496 OF 2024

PETITIONER(S):

**M/ S. GOLDVIEW VYAPAR PVT LTD,
AGED 50 YEARS
PEERMEDU, IDUKKI REP BY ITS AUTHORIZED
SIGNATORY, MR. BINOD.J. KULAKKATIL, PIN -
685531**

**BY ADVS.
V.B.HARI NARAYANAN
FAZEEN FAISAL KOMBANEZHUTH
NAMRIN SHAJU**

RESPONDENT(S):

- 1 ASSISTANT REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION, SUB
REGIONAL OFFICE, KOTTAYAM, PIN - 686001**
- 2 RECOVERY OFFICER
EMPLOYEES PROVIDENT FUND ORGANIZATION, SUB-
REGIONAL OFFICE ,KOTTAYAM, PIN - 686001**

BY ADV JOY THATTIL ITTOOP

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 18.02.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

**JUDGMENT**

The petitioner is an establishment engaged in plantation business. Due to default in payment of contribution under the Employees Provident Fund and Miscellaneous Provisions Act, 1952, the respondents attached the entire extent of 4215 acres of tea plantation at Peermedu. According to the petitioner, if the property of the petitioner is properly valued, it would fetch an amount of Rupees 250 Crores. It is contented that attachment of an extent of 34 hectares alone is sufficient to realise the entire proceedings due to the Employees Provident Fund Organisation.

2. The petitioner approached this Court by filing W.P.(C.)No. 24003/2020 for a direction to the respondent to consider the request of the petitioner to release the rest of the property from attachment. This Court by judgment dated 07.12.2020 directed the 1st respondent to consider and pass orders on the request of the petitioner. The 1st respondent passed an order stating that only after obtaining valuation report of the property, further action for release of the property can be made.



3. The said order was challenged before this Court in W.P.(C) No.21497 of 2021 and this Court set aside the order of the 1st respondent and directed the 1st respondent or the competent officer to pass fresh orders with regard to the release of the property as requested by the petitioner.

4. Pursuant thereto, the petitioner submitted Ext.P7 request to confine the attachment to 34.1124 hectares of land, stating that, the same would be sufficient to realise the entire dues to the Employees Provident Fund Organization. However, Ext.P7 was rejected by Ext.P8 order. Challenging Ext.P8, the petitioner has filed this writ petition.

5. A counter affidavit has been filed by respondents 1 and 2. Paragraph 13 of the affidavit reads as follows;

"13. The above writ petitioner has been filed as a means of delay tactics to buy more time before the Hon'ble Supreme Court in the pending matter for remitting the outstanding dues. As huge sum of EPF dues are still pending to be paid by the petitioner, lifting of attachment over 34.1124 hectares of land as claimed in the writ petition would prejudicially affect the Employees Provident Fund, which in turn would affect the Social Security Cover offered to the workers of the establishments under the control



and management of the petitioner. The petitioner is having more than 1583 Hectares of land in their possession, which can be mortgaged for availing financial assistance/loans from Banks and there is absolutely no reason for lifting attachment over the 34.1124 hectares of land, as claimed in the writ petition."

6. When the matter came up for consideration today, the learned counsel for the petitioner submits that the Ext.P8 is passed without considering the contentions of the petitioner in Ext.P7. It is further submitted that the petitioner would submit a written proposal before the 1st respondent with a proposal to lift the attachment over 34.1124 hectares of land and a direction may be issued to the 1st respondent to consider the same in accordance with law.

7. The learned Standing Counsel for the respondent Nos. 1 and 2 submits that, if such a proposal is received, the same will be considered in accordance with law.

8. There will a direction to the petitioner to submit written proposal as submitted by the counsel within one month from today and there will be a direction to the 1st respondent to consider the same in accordance with law, within a period of one month from the date of its receipt.



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9. It is made clear that this Court has not expressed any views on the merits of the claim made by the petitioner.

This writ petition is disposed of.

**Sd/-
MURALI PURUSHOTHAMAN
JUDGE**

GBG



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APPENDIX OF WP(C) 19496/2024

PETITIONER EXHIBITS

- | | |
|-------------------|--|
| Exhibit P1 | A COPY OF THE CERTIFICATE ISSUED BY THE CHARTERED ACCOUNTANT SHOWING THE ESTIMATION OF LOSS SUFFERED BY THE PETITIONER EVERY YEAR UPTO 2019 |
| Exhibit P2 | A COPY OF THE JUDGEMENT DATED 1/11/21 IN WP.21497/21 |
| Exhibit P3 | A COPY OF THE ORDER OF ATTACHMENT DATED 7/ 12/2021 |
| Exhibit P4 | A COPY OF THE PROCEEDINGS OF ONE-MAN COMMISSION DATED 31 / 10/22 |
| Exhibit P5 | A COPY OF THE APPLICATION SUBMITTED BEFORE HON'BLE SUPREME COURT IN CONTEMPT PETITION NO: 16/ 12 |
| Exhibit P6 | A COPY OF THE ORDER DATED 13/5/2024 IN CONTEMPT PETITION NO: 16/ 12 IN WPC NO 365/2006 |
| Exhibit P7 | A COPY OF THE REQUEST DATED 29/4/24 SUBMITTED BEFORE 1ST RESPONDENT |
| Exhibit P8 | A COPY OF THE COMMUNICATION DATED 3/5/24 |