

CGIT-2/ EPFA/79 OF 2022**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-2,
MUMBAI**Date: 10.11.2022

M/S Kasturi Education Society, Pune.

.... Appellant

Versus

Regional Provident Fund Commissioner-II, Pune.

.... Respondent

Present: Mr. Rajwardhan Kulkarni, Advocate for the appellant.

None for the respondent.

ORDER

The appeal is pending for 21.12.2022.

An application for taking up the case file on today's board, has been filed by the appellant with advance notice to the respondent which was served on 09.11.2022. However, none has appeared for the respondent.

Heard the learned counsel for the appellant.

The prayer being for interim relief, the case file is taken up on today's board.

The present appeal is under Section 7-I of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, [herein after referred to as 'the Act'] challenging the order dated 20.07.2022 passed under Section 14B of the Act, whereby, damages of Rs.28,82,636/- has

been levied on the appellant.

The contention of the learned counsel for the appellant is that there is exceptional financial hardship with the appellant; that the order under Section 7A of the Act has been complied with by the appellant by withdrawing own savings and selling assets; that the Covid-19 pandemic has deteriorated the financial condition of the appellant; that the examination is being conducted online and school and college fee etc. is not paid by the students. He also contends that the impugned order is unsustainable in law being illegal and erroneous. The learned counsel also offers to deposit some amount subject to the decision of the appeal.

Heard.

Considering the contentions raised on behalf of the appellant and after going through the case file and the impugned order, it is ordered that the appellant shall deposit 50%, i.e. an amount of Rs.14,41,318/-, of the total damages amount of Rs.28,82,636/- within two weeks from today. On deposit of the said amount of Rs.14,41,318/- with the respondent, recovery of the remaining amount shall remain stayed.

It is stated by the learned counsel for the appellant that bank account of the appellant has been freezed for non-payment of Rs.52,27,945/- which is the gross amount of the orders passed under Sections 7Q and 14B of the Act. The appeal against the order passed under Section 7Q of the Act is stated to be pending before the Hon'ble High Court.

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It is directed that the bank account of the appellant which has been freezed by the respondent in exercise of its powers under Section 8F of the Act, shall be de-freezed qua the recovery of the remaining damages levied under Section 14B of the Act. However, the freezing of the bank account of the appellant shall remain intact qua recovery of the amount under Section 7Q of the Act, qua which, proceedings are stated to be pending before the Hon'ble High Court.

Now to come up on 21.12.2022, the date already fixed.

November 10, 2022

(LAXMI NARAIN JINDAL)
Presiding Officer
CGIT -2, Mumbai