

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-2, MUMBAI**

APPEAL NO. CGIT- 2 / EPFA 146 /2024

M/s. Classic Glass Glazing. - Appellant

V/s.

The Assistant Provident Fund Commissioner,

EPFO, Mumbai.

- Respondent

ORDER

(Delivered on 28-10-2024)

Read application filed on behalf of the appellant.
Perused the say given on behalf of the respondent.

Heard both the parties.

It is contended on behalf of the appellant that, the respondent directly issued an order u/s. 8-F of the EPF and MP Act 1952, to the banker without serving notice of defaulter to the appellant and without declaring the appellant defaulter and on the basis of order dated 14.10.2024, all the Bank accounts should be freeze forthwith. In fact, the recovery order dated 14.10.2024, which is initiated/ passed during pendency of the appeal is illegal therefore requested for setting aside the recovery order dated 14.10.2024.

It is worthwhile to mention here that, though it is contended on behalf of the appellant that, the recovery order dated 14.10.2024 has been passed during pendency of the appeal before the Court, however the appeal is filed on 24.10.2023, as such it will be unsafe to say that, the

recovery order has been issued during the pendency of the appeal. Furthermore, though the present application is titled as de-freezing the Bank accounts of the appellant, however there is no mention in the application about freezing of Bank accounts of the appellant, moreover there seems to be apprehension about the freezing of accounts as it has been stated in the application that, the Bank account should freeze. It means the bank account has not been freeze till this date.

Similarly there is no prayer in the prayer clause also about de-freezing of the Bank accounts as titled in the application, however the prayer is mainly for quash and set aside the prohibitory order u/s. 8-F dated 14.10.2024, issued to the bankers. In such circumstances, without considering the legality or illegality of the recovery order dated 14.10.2024, on merit that too after hearing both the parties, it will be improper to set aside recovery order dated 14.10.2024, however considering the apprehension of the appellant as well as facts mentioned in the application and circumstances of the case, I am directing the opponent to keep the recovery order in abeyance until further order, only on the condition of depositing 40% amount by Demand Draft with the opponent.

Sd/-

Date: 28-10-2024

(Shrikant K. Deshpande)
Presiding Officer
CGIT -2, Mumbai

