

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

CGIT-2/EPF Appeal No. 15 of 2023

M/s. P. P. Karmayogi Polytechnic College

-Appellant

V/s.

Regional Provident Fund Commissioner-II,

EPFO, Solapur.

-Respondent

ORDER

(Delivered on 02-12-2024)

By this application, the applicant is seeking Review of order dated 13.08.2024 passed by this Tribunal. Heard Mr. Alva Advocate for the applicant and Mr. M.N. Rajput Advocate for the opponent.

It is contended on behalf of the applicant that, as per Judicial Precedents, the Courts have the power to review interim order and EPF & MP Act (for short, 'the EPF Act'), also allows for review of decisions made under the same. The courts without any statutory provisions and rules culled out such powers and thereby committed abused the process of Law and also miscarriage of justice regardless of reasons therefore prayed for review of order dated 13.08.2024 on the various grounds mentioned in the application.

It will not be out of place to mention here that, the interim orders passed by the Courts and Tribunals are temporary in nature and usually passed on the basis of prima-facie ground and remains in force till passing of final orders. Not only this but, review of order is permissible only on discovery of new grounds and important evidence and after duly

exercise of reasons, the same was not within his knowledge or could not be produced by him at the time, when the order was passed or made on account of some mistake or error apparent on the face of record. Similarly, under EPF Act, there is a provision for review of order passed by the EPF Authority u/s. 7-B of the EPF Act, however the counsel for the applicant could not point out any specific provision of review of interim order passed by the Authority under EPF Act.

In the case in hand, the applicant tried to point out various grounds raised in the application however, those were mentioned in the appeal memo as well as application for stay and those were prima-facie considered by this Tribunal while passing the order on stay application and except that, no other ground is raised by the applicant in this application therefore it can be safely said that, for the purpose of review the applicant has not brought any new ground and important evidence which was not available with him at the time of passing the order and it was brought to his knowledge after passing the order.

The main grievance of the applicant seems to be about for reduction of amount of damages directed to be deposited with the opponent. It seems that, the applicant is aggrieved by the direction for depositing 50% amount of damages for de-freezing the Bank Accounts of the applicant. True it is that, there is no specific provision in the EPF Act authorizing the Tribunal to direct the amount to deposit towards damages however as per the various decisions of the Superior Courts and considering the amount of damages involved in the matter, such direction was given to the applicant in respect of depositing 50% amount of damages more particularly for de-freezing the Bank Account therefore I do not think that, there is any error apparent on the face of record while passing the order of which the

review is sought, therefore I do not think that, it is a fit case for review and that too interim order dated 13.08.2024 passed by this Court on stay application.

In the result, the application is rejected with no order as to costs.

Sd/-

Date: 02-12-2024

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