

ORDER SHEET

CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

CASE NO. CGIT/LC/EPFA /16/2021

M/S Nav Bharat Press Pvt. Ltd., Bhopal Vs. RPF, Bhopal

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
29-10-2021	<p>Matter Taken Up</p> <p>Adv. Shri Pranay Choubey present for Appellant.</p> <p>Adv. Shri J.K.Pillai present for Respondent</p> <p>This matter has been taken for hearing of I.A. preponing the date of hearing on the application of Appellant.</p> <p>Respondent has filed Written Reply against I.A with affidavit, which is served on Appellant learned counsel, has been taken on record.</p> <p>I have heard argument of learned counsels of both the sides on I.A. and have gone through the record.</p> <p>The present Appeal has been filed against order of Respondent Authority passed under Sec 14B of the Act, whereby the Appellant has been held liable to pay Rs.6932954/- as damages under Sec 14B for delayed payment of EPF Dues for the period of Oct.'2005 to Feb.'2013. This appeal has been admitted for hearing. Counter /Reply of Respondent is still awaited</p> <p>There is substance in the argument of Learned Counsel for Respondent that the I.A. could not be entertained under Sec.70 of the Act, because Sec.70 provides for pre-deposit, which is not mandatorily required for admission of Appeal against order under Sec.14B of the Act. Hence, this I.A is being taken not under Sec.70 of the Act. Learned Counsel for Appellant has submitted that the Respondent Authority has initiated recovery process during pendency of this appeal. Since the appeal is not ^{ripe} fit for hearing, the Appellant deserves protection against recovery, though this argument has been opposed by learned counsel for Respondent on the ground that there is no bar in proceedings with recovery</p>	

process, but in my considered view, the Appellant certainly deserves protection against Coercive method to be adopted by Respondent for recovery during pendency of the present Appeal, but on certain conditions.

After considering all the attend facts and circumstances of the case in hand, I'm of the view that, the interest of Justice will be served, if recovery is stayed till appeal on the condition of deposit of 35% of the amount ordered under Appeal with the Respondent Authority within 15 days from the date of Order

Accordingly, the recovery of amount under appeal is stayed till appeal on the condition of deposit of 35% of amount under Appeal with the Respondent Authority within 15 days from the date of order. Compliance Report within 03 Weeks The I.A stands disposed accordingly. List on **28-12-2021** for Final Argument. Respondent to file Counter/Reply within 04 Weeks. Rejoinder, if any, within 02 weeks thereafter.


PRESIDING OFFICER