

Date: 17.01.2023

ORDERPresent

Shri S.D. Tambat, Advocate for the appellant.

Mrs. Kashmira Vashi Sawant, Advocate for the respondent.

The present appeal is under Section 7-I of the EPF & MP Act, 1952 against the orders under Sections 14B and 7Q of the Act passed by the respondent.

The amount of penalty assessed under Section 14B is Rs.90,164/- and the amount assessed under Section 7Q is Rs.52/-.

Heard on the application for stay of operation of the impugned orders.

The learned counsel for the appellant, inter alia, submits that the impugned orders suffer from patent illegality and no proper opportunity of hearing was given to the appellant and also, no speaking order has been passed.

On the other hand, learned counsel for the respondent resisted the said contentions and submitted that due opportunity of hearing was given to the appellant and a reasoned order has been passed. She also submits that ignorance of law is no defence to the appellant and the appellant had the mens rea in committing default.

After hearing both the sides and going through the case file carefully, it is ordered that the appellant shall deposit 40% of the amount of Rs.90,164/- with the respondent within three weeks from today. The

recovery of the remaining 60% of the said amount shall remain stayed till decision of the present appeal.

It is made clear that in case, the said 40% amount is not deposited within the stipulated time, the stay order shall stand vacated automatically.

However, there shall be no stay qua the order under Section 7Q of the Act.

Thus, the application for stay accordingly stands disposed of.

To come up on 01.06.2023 for arguments in the main appeal.

January 17, 2023

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