

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-2, MUMBAI

M/s. Orchid International School
(Kalyani Charitable Trust)
Nasik.

- APPELLANT

V/s.

Regional Provident Fund Commissioner – II
Nasik.

- RESPONDENT

ORDER

Dated:18.04.2023

Present: Shri U.K. Kavishwar, Advocate for the appellant.
None for the respondent.

The present appeal is pending for 02.05.2023.

Today, an application has been filed by the appellant for taking up the matter on today's board and for de-freezing the bank account of the appellant which has been freezed by the respondent under Section 8F of the EPF & MP Act, 1952, vide letter dated 27.02.2023.

Advance notice has been served upon the respondent by the appellant regarding taking up the matter on today's board but none has appeared on behalf of the respondent.

Heard.

Case file perused.

A perusal of the case file shows that as per the impugned order dated 19.08.2020, the total amount of dues assessed was Rs.1,74,21,848/-. Out of the said amount, the appellant had already deposited Rs.7,50,464/- during the pendency of the proceedings before the respondent. Thus, as per the impugned order, the balance outstanding amount was Rs.1,66,71,384/-.

As per the order dated 06.09.2021 passed by the learned predecessor of this Tribunal which was passed after hearing both the parties, the appellant was directed to deposit 50% of the amount with the respondent within one

month from 06.09.2021 after deducting the amount which had previously been deposited, and on deposit of the said amount, execution of the impugned order was to remain stayed and the respondent was directed not to take any coercive action against the appellant for recovery of the rest of the amount.

Since the appellant could not deposit the 50% amount within the stipulated period of one month, its bank account was freezed by the respondent under Section 8F of the EPF & MP Act, 1952, vide order dated 27.02.2023.

After freezing of the bank account of the appellant, the appellant deposited some amount with the respondent. As on date, as per the appellant, the appellant has deposited an amount of Rs.1,03,34,659/- which is above 50% of the amount assessed by way of impugned order.

The above noticed facts, prima-facie, go to show that the respondent is disobeying the order dated 06.09.2021 passed by this Tribunal because the moment, 50% of the amount is deposited by the appellant in accordance of the order dated 06.09.2021, then, the bank account of the appellant ought to have been de-freezed by the respondent forthwith.

Thus, before initiating any contempt proceedings against the respondent, an opportunity of hearing is given to the respondent to explain its conduct.

Now to come up on 02.05.2023.

A copy of this order may be given to the appellant for being served upon the respondent by hand.

April 18, 2023

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