

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-2, MUMBAI

M/S. CLR Services Pvt. Ltd.,

A1 First Floor Minar Apartments,

Plot 83, Law College Road,

Pune – 411 004.

- APPELLANT

V/s.

Regional Provident Fund Commissioner - II

Regional Office, EPFO Pune,

Pune Cantonment Board Bhavan, Golibar Maindan

Pune – 411 001.

- RESPONDENT

**ORDER**

**Dated:02.02.2023**

Present: Shri A.B. Saligram, Advocate for the appellant.

Ms. Puja Pandey, Advocate, for Shri Jog Singh, Advocate  
for the respondent.

The present appeal under Section 7-I of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, [herein after referred to as 'the Act'] is directed against the order dated 28.01.2020 passed by the respondent under Section 14B of the Act.

Along with the appeal, there is also an application for condonation of delay in filing the appeal by the appellant.

Heard on the said application.

The impugned order was passed by the respondent on 28.01.2020 and the present appeal was filed by the appellant on 15.09.2020.

The limitation to file an appeal is 60 days.

In view of the order dated 10.01.2022 passed by the Hon'ble Supreme Court in Misc. Application No.21 of 2022 in Misc. Application. No.665 of 2021 in Suo Moto Writ Petition (C) No.3 of 2020, the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purpose of limitation as may be prescribed under the general or special law in respect of all judicial or quasi-judicial proceedings. Over & above this, a limitation period of 90 days from 01.03.2022 has also been granted in cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022.

In the present case, the present appeal has been filed on 15.09.2020 and, thus, the same is within limitation in view of the aforesaid Hon'ble Supreme Court judgment.

Accordingly, the application for condonation of delay is allowed.

Along with the appeal, there is also an application for stay of the impugned order.

No reply to the said application has been filed but the same has been opposed orally. However, reply to the appeal has been filed by the respondent.

As per the impugned order, the amount of penalty under Section 14B of the Act is Rs.30,55,968/-.

The learned counsel for the appellant submits that an order under Section 7Q was also passed against the appellant and the appellant is ready to deposit the entire amount thereunder. He further submits that the impugned order is not sustainable in view of the grounds taken in the grounds of appeal. He also offers to deposit some amount as assessed under Section 14B of the Act. Thus, he prays that operation of impugned order may be stayed subject to deposit of some amount by the appellant.

On the other hand, learned counsel for the respondent resisted the said contentions and submitted that reasoned order has been passed after affording due opportunity to the appellant and the same is legal and valid. Thus, she argued that no ground for stay is made out.

After hearing both the sides and going through the case file carefully, I am of the considered opinion that there are arguable points in the appeal.

Keeping in view the facts and circumstances of the case, it is ordered that the appellant shall deposit 35% of the amount of Rs.30,55,968/- as assessed under Section 14B of the Act with the respondent within four weeks from today. The recovery of the remaining 65% of the said amount shall remain stayed till decision of the present appeal.

It is made clear that in case, the said 35% amount is not deposited within the stipulated time, the stay order shall stand vacated automatically.

Thus, the application for stay accordingly stands disposed of.

To come up on 09.06.2023 for arguments in the main appeal.

February 02, 2023

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