

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-2, MUMBAI

M/S. Asian Paints Limited,  
LBS Marg, Bhandup (West),  
Mumbai – 400 079.

- APPELLANT

V/s.

Regional Provident Fund Commissioner  
Regional Office, EPFO Thane,  
Vardan Commercial Complex, MIDC Road No.16,  
Wagle Estate, Thane – 400 604

- RESPONDENT

**ORDER**

**Dated:20.01.2023**

**Present: Shri R. Gawade, Advocate for the appellant.**

**Shri Ravi Rattesar, Advocate for the respondent.**

File taken up today on an application filed by the appellant for seeking interim relief.

Prior notice to the respondent has been given by the appellant regarding request of taking up the matter today. In response thereto, Shri Ravi Rattesar, Advocate, has put in appearance 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 27.09.2022 passed by the respondent under Section 7A of the Act.

Along with the appeal, there is also an application under Section 7-O of the Act for waiver as well as an application for stay of operation of the impugned order.

Heard on the said applications.

The learned counsel for the appellant, inter alia, submits that the respondent has ignored the submissions of the appellant contained in its letter dated 05.08.2022 and thereby passed a perverse order. He further refers to the grounds of appeal and submits that the impugned order is wholly unsustainable in law as also on facts. Thus, he has argued that the said applications may be allowed.

On the other hand, learned counsel for the respondent resisted the said contentions and supported the impugned order on the grounds which prevailed with the respondent while passing the same.

After giving my thoughtful consideration to the rival contentions and going through the case file carefully, I am of the considered opinion that there are arguable points in the appeal and the appellant has a prima facie case. Therefore, the application for waiver under Section 7-O of the Act is disposed of by directing the appellant to deposit 60% of the amount assessed under Section 7A of the Act within three weeks from today. On deposit of the said amount of 60%, recovery of the remaining 40% of the amount shall remain stayed during pendency of the present appeal.

It is made clear that in case, the said 60% is not deposited within the aforesaid stipulated time, then, this stay order shall stand vacated automatically and the waiver application shall also stand dismissed.

Now to come up on 06.02.2023, the date already fixed.

Sd/-

January 20, 2023

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