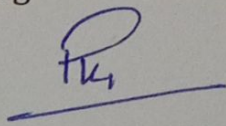


JABALPUR (MP)
CASE NO. CGIT/LC/EPFA/24/2023
M/S. S Kumar Ltd . V/S EPFO Dhar

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
05.01.2024	<p>Matter taken up.</p> <p>Shri Uttam Maheshwari ,Learned counsel for the Appellant. Shri J K Pillai, Learned counsel for the Respondent.</p> <p>Perused record.</p> <p>The establishment is under bankruptcy proceedings before NCLT. Hence appeal has been filed by resolution professional appointed by Honb'le NCLT.</p> <p>Order under appeal is passed on 25.01.2029 appeal filed on 06.11.2023 appellant has filed application to condone delay. Respondent side has filed written objection, which is on record. Heard both side ld counsels on delay condonation and perusal of record.</p> <p>Ground taken is mainly that the establishment went under bankruptcy proceeding before NCLT & case number CP(IB)3707/MB/2019 was initiated by financial creditors against establishment. The order under appeal was passed on 25.01.2019. Under section 14 of IB code, all the proceedings pending before any court , tribunal or authority come in abeyance during the proceedings in NCLT.</p> <p>The plea was raised before respondent during the hearing as well the recovery proceedings and order of moratorium was initiated to respondent but they passed impugned order ignoring the moratorium order. Hence, the interim resolution professional appointed by NCLT has filed this appeal.</p> <p>Respondent ld counsel has referred to the judgment of Honb'le Supreme Court in Civil Appeal number 10856 of 2016 decided on 20.01.2020 in Bhupender Singh Vs Unitech Ltd holding that order of moratorium shall not fore close the statutory entitlement of EPFO to enforce the claims for the payment of EPF and other related statutory dues as per law against previous management. Be whatever it may, in light of these facts and circumstances.</p> <p>I find sufficient ground to condone the delay accordingly delay in filing present filing is condoned.</p> <p style="text-align: center;"></p>	

ORDER SHEET

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

CASE NO. CGIT/LC/EPFA/24/2023

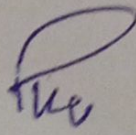
M/S. S Kumar Ltd . V/S EPFO Dhar

Ld counsel for appellant further pressed his application under section 7(O) and IA regarding stay on recovery. Respondent has filed written objection on these two also. After hearing both the side on application as well perusal of record it comes out that since the establishment is under insolvency proceedings before NCLT and moratorium order is in existence, the condition of depositing 75% of the amount under appeal has provided under section 7 (o) is dispensed with.

The recovery of the amount is also stayed till disposal of appeal.

Both the application stand disposed accordingly.
Respondent to show why the appeal not be kept in abeyance in the light of section 14 of IB code because the proceedings are pending before NCLT.

List on 21.03.2024 for hearing.



Presiding Officer