

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-2, MUMBAI**

APPEAL NO. CGIT- 2 / EPFA 27/2022

M/s. Laguna Resorts Pvt. Ltd. - Appellant

V/s.

The Regional Provident Fund Commissioner,
EPFO, Pune. - Respondents

ORDER

(Delivered on 18-02-2025)

M/s. Laguna Resorts Pvt. Ltd./appellant - applicant has challenged the legality of order dated 24.02.2022 passed u/s. 14-B of the EPF & MP Act 1952, (for-short, "The EPF Act") and by this application prays for stay to the effect and operation of the orders dated 24.02.2022 till the disposal of the appeal.

The appellant/applicant is a private limited and classified as non-government company registered with the registrar of the companies. According to the applicant, he has already remitted the monthly PF contribution with the respondent, still without issuing show-cause notice, the respondent issued summonses u/s. 14-B & 7-Q of the EPF Act for levying Damages and Interest and thereby asked him to attend enquiry, however without inquired into the facts and mitigating circumstances under which remittance of PF contribution was not made in time, thus the order under appeal is illegal and improper.

The respondent/opponent resisted the application by reply. The opponent contended that, the enquiry for the period from 08/2012 to 03/2018 initiated against the applicant, the orders have been passed by following procedure. There was no infirmity and after considering the submissions made by the opponent, logical, legal orders have been passed as such the orders under appeal are legal and proper and the applicant is not entitled for relief as prayed.

I have heard Mr. Chheda representative for the applicant and Mrs. Sawant advocate for the opponent.

Undisputedly, on the basis of summonses issued by the opponent for enquiry in respect of belated remittance for PF contribution, the enquiry was initiated against the applicant, in which after long adjournments, Mr. S.P. Shelke appeared on behalf of the appellant and also accepted the delay in remittance in depositing the PF dues. Though, it is contended on behalf of the respondent that, no explanation was given for delay, therefore the Authority has passed the order under appeal. It is the case of the applicant that, while passing the orders under appeal, mitigating circumstances were not considered by the Authority. In such circumstances, it can be said that, there are arguable points in the matter on merit and on that basis to my mind, the appellant has made out a strong prima-facie case and considering the facts and circumstances of the case, the balance of convenience lies in favor of the applicant and considering the comparative hardship, the applicant is certainly entitled for stay to

the effect and operation of the order under appeal. Mrs. Sawant Learned counsel appearing on behalf of the appellant rightly pointed out that, the appeal against the order u/s. 7-Q of the EPF Act is not maintainable. In such circumstances, considering the composite order, it will be just to direct the applicant to deposit the amount in respect of Interest u/s. 7-Q of the EPF Act.

In the result, the application for stay is allowed. The opponent is hereby directed to stay to the effect and operation of the order dated 24.02.2022 under appeal till the disposal of the appeal on merit only on depositing the amount of Interest levied in the order u/s. 7-Q of the EPF Act if the interest amount is not paid earlier.

Sd/-

Date: 18-02-2025

(Shrikant K. Deshpande)
Presiding Officer
CGIT -2, Mumbai