

CGIT-2/ EPFA/87 OF 2020

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

Date: 03.11.2022

M/S Delta Mechcons India Limited Appellant

Versus

Regional Provident Fund Commissioner-II, Pune. Respondent

Present: Mr. Hanish Pithadia, Advocate for the appellant.

Mr Manohar N. Rajput, Advocate for the respondent.

ORDER

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 13.02.2020 passed by the Respondent under Sections 7Q and 14B of the Act.

Along with the appeal filed on 23.12.2020, the appellant has also filed an application for condonation of delay.

Heard on the said application.

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

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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 having been filed during the aforesaid period of limitation exemption, is within limitation and the application for condonation of delay is accordingly allowed.

After the passing of the impugned order, bank account of the appellant has also been frozen by the respondent under Section 8F of the Act vide order dated 13.03.2020.

Along with the appeal, the appellant has also filed an application for stay of the impugned order till the disposal of the appeal.

A prayer has been made by the learned counsel for the appellant for stay of the order under Section 14B of the Act and he states that the appellant shall deposit the assessed amount under Section 7Q of the Act within 15 days' time.

Reply to the application for exemption from depositing 75% of the amount under Section 7-O of the Act filed by the respondent. Copy supplied to the counsel opposite. Heard on the said application for waiver. It is so far well settled that requirement of pre-deposit under Section 7-O of the Act does not apply to Sections 14B and 7Q of the Act and it was so held in M/s. Old Village Industries Ltd. V/s. APFC, EPFO & another – 2005 LLR 552.

After hearing the learned counsel and going through the impugned order, I deem it necessary to impose condition while granting stay of the

impugned order.

As per the learned counsel for the appellant, the appellant has already deposited an amount of Rs.2,91,000/- out of the amount of interest as assessed under Section 7Q of the Act. Further, the appellant has also deposited an amount of Rs.5,10,000/- out of the amount of damages as assessed under Section 14B of the Act.

It is directed that the appellant shall deposit the entire remaining amount as assessed under Section 7Q of the Act within 15 days from today and there shall be no stay qua the same.

However, since the appellant has already deposited Rs.5,10,000/- out of the total amount of damages as assessed under Section 14B of the Act, there shall be a stay qua recovery of the remaining amount till the decision of the present appeal.

Hence, I pass the following order:

- **The appeal is admitted.**
- **The appellant is directed to deposit the entire remaining amount as assessed under Section 7Q of the Act within 15 days from today and there shall be no stay qua the same.**
- **Since the appellant has already deposited Rs.5,10,000/- out of the total amount of damages as assessed under Section**

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14B of the Act, there shall be a stay qua recovery of the remaining amount till the decision of the present appeal.

- **This stay is being granted with the condition that the appellant shall deposit the entire remaining assessed amount under Section 7Q of the Act within 15 days from today, failing which, this stay order shall stand vacated automatically.**
- **The respondent is directed to de-freeze the appellant's bank account.**

Now to come up on 21.02.2023 for arguments.

November 3, 2022

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