

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

M/S. Warade Packtech Private Limited,  
A-25, Nikash Skies, Someshwar Wadi,  
Pashan, Pune – 411 008.

- APPELLANT

V/s.

Assistant Provident Fund Commissioner  
Regional Office, EPFO Pune-I,  
Cantonment Board Building,  
Golibar Mainda, Pune – 411 001.

- RESPONDENT

**ORDER****Dated:03.02.2023**

Present: Shri Sidheshwar N. Biradar, Advocate. for the appellant.

None 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 01.11.2022 passed by the respondent under Section 7A of the Act.

The appeal is now pending for 23.03.2023.

The appellant has filed an application for early hearing today. It is alleged in the application that inspite of giving intimation to the respondent regarding filing of present appeal, the respondent has issued letter dated 19.01.2023 to the Branch Manager of the COSMOS Co-op. Bank Ltd., Aundh Gaon Branch, Pune thereby directing the bank for the payment of Rs.28,04,008/- to the respondent which is the subject matter of the present appeal.

Advance notice of the said early hearing application was given by the appellant to the respondent which was received by the respondent on 31.01.2023, whereby, it was intimated that the appellant shall move early hearing application before this Tribunal seeking ad interim relief.

However, despite service of advance notice, none has appeared for the respondent. Thus, the matter being of urgent nature, is heard ex-parte qua the question of ad interim relief.

Along with the appeal, the appellant has filed an application for waiver under Section 7-O of the Act as well as for stay of operation of the impugned order.

The assessed amount under Section 7A of the Act is Rs.28,04,008/-.

The learned counsel for the appellant has offered to deposit 75% of the assessed amount as per the requirement of Section 7-O of the Act. However, he prays for stay of recovery of the remaining 25% of the assessed amount.

After hearing the learned counsel for the appellant and perusing the case file, it is ordered that the appellant shall deposit 75% of the assessed amount with the respondent within two weeks from today. The recovery of the remaining 25% amount shall remain stayed till the time the respondent files reply to the main appeal as well as the reply to the application for stay and the application for stay is decided on merits after hearing both the sides.

It is directed that bank account of the appellant shall be de-freezed/ released from attachment forthwith.

It is made clear that in case, the 75% of the amount is not deposited within the aforesaid stipulated time of two weeks, then, this stay order shall cease to operate and the impugned order shall become executable by the respondent by all legal means.

Now to come up on 23.03.2023, the date already fixed.

February 03, 2023

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