

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

**APPEAL NO. CGIT- 2 / EPFA /55 /2022**

M/s. DSM INFOCOM PVT. LTD. - Appellant

V/s.

The Regional Provident Fund Commissioner,  
EPFO, Bandra (E). - Respondent

**ORDER**  
**(Delivered on 13-01-2025)**

M/s. DSM INFOCOM PVT. LTD./appellant has challenged the legality of the orders dated 06.07.2021, passed u/s. 14-B & 7-Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, (for-short "the EPF Act"), by the Regional Provident Fund Commissioner Mumbai /respondent and by this application prays for stay to the order under appeal.

2. According to the appellant for the period 09/2016 to 02/2020, the respondent conducted enquiry for the purpose of levying damages and interest and after enquiry levied the damages of Rs.54,03,672/- & interest of Rs.28,00,344/- however while passing the order the Authority failed to consider mitigating circumstances, there was no willful delay nor mens-rea, nor cogent reasons are given in the orders under appeal. The orders passed are against the principles of natural Justice, there is no application of mind and the whole enquiry was improper, unjust and illegal.

3. There is no say to this application on behalf of the respondent.

4. I have heard Mr. Chheda representative for the appellant and Mr. Rattesar Advocate for the respondent.

5. It is worthwhile to mention here that, though there is no reply on record, still the counsel for the respondent submitted that several opportunities were given to the respondent during enquiry and only after considering the length of default, loss of interest suffered by the organization the Authority has passed the orders under appeal however considering the various points raised by the appellant more particularly about mitigating circumstances it requires detailed enquiry as such it can be said at this stage that, the appellant has made out a prima-facie case and considering the balance of convenience and irreparable loss likely to cause to the appellant, the orders under appeal needs to be stayed during pendency of the appeal.

6. True it is that, the order passed u/s. 7-Q of the EPF Act is also challenged under appeal and at the time of appeal the amount levied against towards interest has not been deposited by the appellant, thus I am directing the appellant to deposit the amount of Rs.28,00,344/- towards interest with the respondent within a period of eight weeks from the date of this order.

In the result, the application is allowed. The orders under appeals are stayed during the pendency of the appeal only on depositing the amount of Rs.28,00,344/- towards interest with the respondent within a period of eight weeks from the date of this order.

Sd/-

Date: 13-01-2025

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

