

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

Date: 06.01.2023

M/S Aicon Castalloy Limited

.... Appellant

Versus

Regional Provident Fund Commissioner, Pune .

.... Respondent

Present: Mr. V.R. Joshi, Advocate for the appellant.

Mr. Rakesh Sawant, Advocate for the respondent.

**ORDER**

The present appeal is under Section 7-I of the EPF & MP Act, 1952.

Along with the appeal, there are also the applications for waiver under Section 7-O of the Act as well as for staying operation of the impugned order.

It is stated by the learned counsel for the appellant that bank accounts of the appellant were freezed and as on date, the amount of assessment under Section 7-A to the tune of Rs.1,38,50,875/- in one of the bank accounts is lying under lien. However, as on date, no bank account of the appellant is freezed.

Heard on the application under Section 7-O of the Act as well as on the application for stay.

As a pre-requisite, in an appeal under Section 7-I, the appellant is required to deposit 75% of the amount due from him as determined by the officer referred to in Section 7-A.

The learned counsel for the appellant states at the bar that the appellant is ready to pay 75% of the total aforesaid amount but he submits

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that recovery of the remaining 25% of the amount may be stayed. He challenges the finding of the RPFC-I Pune in para 13 of the impugned order by contending that the special allowance being paid to the employees of the establishment has been taken as basic wages in a wrong and illegal manner without there being any material.

In view of the fact that the appellant is ready to pay 75% of the amount and also keeping in view the contention raised by the learned counsel for the appellant as noticed in the preceding para, the recovery of the remaining 25% is stayed till the disposal of the present appeal.

It is directed that the appellant shall deposit 75% of the total amount determined by the respondent – RPFC-I Pune within a period of two weeks from today with the respondent.

On deposit of the said amount of 75%, the lien on the bank account of the appellant shall cease and stand lifted.

Thus, the said applications accordingly stand disposed of.

Now to come up on 04.05.2023 for filing reply by the respondent.

January 6, 2023

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