

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

APPEAL NO. CGIT- 2 / EPFA /84/2024

M/s. Sandip University. - Appellant

V/s.

The Regional Provident Fund Commissioner-I,
EPFO, Nashik. - Respondent

ORDER BELOW EX- 18
(Delivered on 18-11-2024)

The R.P.F.C Nashik /opponent has filed the present application for modification of order dated 02.09.2024 passed by his application.

According to the opponent, as per order under appeal, the amount of Rs. 03,60,366/- towards damages and Rs. 02,43,531/- towards interest was levied against the applicant and as per order dated 03.06.2024 passed u/s. 8-F of the EPF & MP Act, the amount of Rs.1,66,000/- out of Rs. 06,03,897/- was recovered from the applicant however on the application for refund filed by the applicant, this Tribunal vide order dated 02.09.2024 directed to keep the amount of Rs. 02,43,531/- towards interest with the opponent and refund of the amount of Rs. 03,60,366/- towards damages to the applicant, thus the opponent prays for modification of the order dated 02.09.2024.

The applicant resisted the application by reply Ex-19, the opponent contended that, there is no provision for pre- deposit of 75% amount for appeal u/s. 14-B & 7-Q of the EPF & MP Act and knowing the well settled position of Law, the opponent misguiding the Tribunal and misinterpreting the Law thus requested to change arithmetical calculation.

I have carefully gone through the copy of order dated 02.09.2024 alongwith application for refund Ex-7 filed on behalf of the applicant as well as the order of which modification is sought. It seems that, in the application itself it has been mentioned that, the opponent has recovered the amount of Rs. 1,66,783.52/- and there is no whisper in the application for refund about the amount mentioned in the order, however it seems that by typographical mistake, the wrong amount has been mentioned therefore the amount mentioned in the order dated 02.09.2024 is incorrect. In such circumstances the order dated 02.09.2024 certainly needs modification. The amount which was recovered from the applicant was less than the amount of interest levied in the order u/s. 7-Q, thus there is no question of any refund of amount as prayed.

In the result, The application for modification is allowed the order dated 02.09.2024 is modified and the application for refund Ex-7 stands dismiss.

Sd/-

Date: 18-11-2024

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

