

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

APPEAL NO. CGIT- 2 / EPFA 89 /2024

M/s. Riddhi Corporate Services Pvt. Ltd. - Appellant

V/s.

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

**ORDER
(Delivered on 03-12-2024)**

Read application for refund of amount filed by the applicant. Perused the reply filed on behalf of the opponent. Heard both the parties.

It is contended on behalf of the applicant that, inspite of knowledge of filing the appeal, the opponent issued prohibitory order u/s. 8-F of the EPF Act on 11.07.2024 to the banker and accordingly the Bank issued Demand Draft of Rs.57,16,961/- in the name of the opponent illegally and without following due process of Law and that too without issuing notice for recovery certificate thus, the applicant prays for direction to the opponent to return the total amount recovered illegally.

As against this, it is submitted on behalf of the opponent that though, the appeal was filed however there was no stay from the Tribunal therefore, the prohibitory order dated 11.07.2024, was issued after about 78 days and sent to the Bank. There was no compliance of the provisions of the Sec. 7-O of the said Act. There is no illegality in issuing

the prohibitory order and ultimately prays for rejection of the application.

It seems that, the present appeal has been filed with application for condonation of delay, it means not within the limitation prescribed under the EPF Act and in absence of any order from this Court, the Authority seems to be issued the prohibitory order against the opponent. Still without considering the legality or illegality of the order, this Tribunal alongwith this application also decided the application for waiver and stay and the court directed the applicant to deposit 40% of amount assessed in the order u/s. 7-A of the EPF Act. Previously, this court on 31.07.2024, directed the opponent not to act on Demand Drafts received from the Bank as such it will be just to direct the opponent to return the Demand Drafts to the Bank only after depositing the 40% of amount with the opponent or with the consent of the applicant recover the said amount from the Bank after returning the Demand Drafts which are in possession of the opponent.

In the result, the application is allowed. The applicant is directed to return the Demand Drafts to the Bank only after depositing 40% of assessed amount deposited by the applicant with the opponent or with the consent of the applicant recover the said 40% amount from the Bank.

Sd/-

Date: 03-12-2024

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

