



**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri.V.Vijaya Kumar, B.Sc., LL.M., Presiding Officer.

(Wednesday the 15th day of June, 2022)

Appeal No.355/2018

Appellant : Smt. Nirmala Dinesh,
Proprietrix
M/s.India Designz
Lakshmi Vihar, Durga Lane
Puthur
Palakkad – 678 001.

By Adv.C. Anil Kumar

Respondent : The Regional PF Commissioner
EPFO, Sub Regional Office
Eranjipalam P.O.
Kozhikode - 673006

By Adv.(Dr.) Abraham P. Meachinkara

This case coming up for admission on 15.06.2022 and the same day this
Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed from order No.KR/KK/23921/ENF-4(5)/14B/
2014/9877 dt.20.11.2014 issued U/s 14B of the EPF & MP Act, 1952 assessing
damages to the tune of Rs.79363/- for the default period from 01/2011 to
05/2013.

Both sides are represented. According to the learned Counsel for the appellant the impugned order is issued without hearing the appellant as all the notices were returned as the unit is already closed. The learned Counsel also submitted that the fact regarding the closure of the appellant establishment was communicated to the respondent organization.

The learned Counsel for the respondent opposed the prayer on the ground that the matter is already delayed as the default pertains to 01/2011 to 05/2013. Further he pointed out that damages assessed and the amount involved is very small.

It is an admitted fact that the damages for belated remittance of contribution is assessed without giving an opportunity to the appellant to explain the reasons for delay. Hence there is a clear violation of principles of natural justice.

Hence the appeal is allowed, the impugned order is set aside and the matter is remitted back to the respondent to re-assess the damages, after issuing summons to the appellant in the correct address.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer