



सत्यमेव जयते

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

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

(Wednesday the 2nd day of March, 2022)

APPEAL No.104/2021

Appellant : M/s.KAP India Project &
Constructions Pvt Ltd
Kuriachira
Thrissur - 680006

By Adv.K. K. Premalal

Respondent : The Regional PF Commissioner
EPFO, Sub Regional Office
Kochi – 682017

By Adv.Sajeevkumar K. Gopal

This case coming up for admission on 02.03.2022 and the same day this
Industrial Tribunal-cum-Labour Court passed the following:

ORDER

Present appeal is filed against order no.KR/KCH/13217(7A)/ENF-
IV(1)/2020/6320 dt.24.08.2021 assessing dues U/s 7A of EPF & MP Act in respect
of non enrolled employees. Adv.Sri.Sajeevkumar K. Gopal takes notice for the
respondent.

This is second round of litigation by the appellant. In the first round of litigation, the respondent authority assessed dues in respect of non enrolled employees. Aggrieved by the said order the appellant filed Appeal no.99/2018. This Tribunal vide order dt.24.12.2019 allowed the appeal, set aside the impugned order and directed the authority to assess the dues on the basis of the directions given in the said order. It was clarified in the order by this Tribunal that the appellant establishment is liable to remit contribution in respect of the contract employees engaged by them. In the impugned order the appellant agreed that they are ready to remit the contribution in respect of M/s.Amal Constructions, contractor. However according to the learned Counsel for the appellant, the respondent quantified the same dues which was earlier assessed by him.

The learned Counsel for the appellant submitted that the appellant deposited 25% of the assessed dues U/s 7(O) as directed by this Tribunal in Appeal No.99/2018. The learned Counsel for the respondent submitted that the appellant may be directed to deposit atleast the admitted amount before the respondent as a precondition for admission. The learned Counsel for the appellant submitted that the admitted amount is less than 3 Lakhs whereas the appellant had already deposited more than 5 Lakhs with the respondent authority.

Considering the pleadings of the Counsels, the appeal is admitted waiving further pre-deposit U/s 7(O) of the Act and the impugned order is stayed until further orders.

The matter is adjourned and posted to 08.06.2022 for filing the written statement by the respondent.p

Sd/-

(V. Vijaya Kumar)
Presiding Officer