



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

Present: Shri. Irfan Qamar, Presiding Officer.  
(Thursday, the 09<sup>th</sup> day of November, 2023)

**APPEAL No.128/2022**

Appellant : M/s. P.V.S. Hospital Pvt. Ltd  
Railway Station Road  
Kozhikode – 673 002

Adv. T.G.Rajendran

Respondent The Assistant PF Commissioner  
EPFO, Regional Office,  
Kozhikode – 673 006.

Adv. Abraham P Meachinkara

This case coming up for final hearing on 09/11/2023  
and this Tribunal-cum-Labour Court on same day passed the  
following:

**O R D E R**

1. Present Appeal is filed by the Appellant challenging the impugned order dated 22<sup>nd</sup> August 2022 passed by the Assistant Provident Fund Commissioner under Sec 7A of EPF & MP Act 1952.

2. Notice served upon. The respondent counsel appeared and filed counter that taken on record.
3. Heard the Learned counsel for Appellant on the point of admission of Appeal and Counsel for Respondent.
4. Appellant counsel submits that the appellant is engaged in running a hospital and source of income is derived by the fee charged for hospital services. But from November 2018 Appellant could not pay contribution within the stipulated time due to running at losses and on account of natural calamity i.e., heavy rains and winds and the patients could not approach the hospital by road because of the flood situation. Appellant submits that there was a state of total Lock Down and by the order of District Authorities, and the Appellant hospital had to meet the emergency patients for treating Corona pandemic. Appellant further submits that the impugned order suffers from illegality due to non-application of the mind and it is non-speaking order without following the certain Principals of Law. Further it is submitted that due to poor financial condition, it was unable to remit the P.F amount and the said delay is neither willful nor voluntarily and has been caused solely due to financial

incapability of the appellant establishment. On the other end Respondent supported the impugned order.

5. Perused the record. Appellant has raised the debatable issues which requires consideration in the Appeal. Appellant counsel submits that he had approached the Hon'ble High Court challenging the impugned order by filing the WP(C) No. 34320 of 2022 and Hon'ble High Court vide judgment dated 27/10/2022 has disposed off the petition with a direction to the appellant establishment to clear the entire amount due as per the impugned order in sixteen installment starting from 15/11/2022 and in compliance of the order of Hon'ble High Court, the appellant establishment is paying the installment regularly. Hence appellant prayed for waiver of the pre-deposit condition under Sec 7(O) /1952 for Admission of the appeal. In view of the above, appeal is admitted for consideration and the condition of pre deposit of 75% of the determined amount is waived off under Sec 7(O). List the matter for hearing on **25th January 2024.**

Sd/-

**(Irfan Qamar)**  
Presiding Officer