



सत्यमेव जयते

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

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

APPEAL No.96/2022

Appellant : The Cannanore Co-Operative
Spinning Mills Ltd.
No. F1278, P.B.No. 2005
Chovva.P.O., Kannur – 670 004

By Adv. Alexander Joseph

Respondents 1. Regional PF Commissioner – II
EPFO, Regional Office,
Fort Road, Kannur – 670 001

2. The Authorised Officer,
EPFO, Regional Office,
Fort Road, Kannur – 670 001

By Adv. K.C. Santhosh Kumar

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

ORDER

1. Present appeal is filed by the appellant under Sec 7(I) of EPF and MP Act challenging the impugned order dated 09/11/2021

passed by the Assistant Provident Fund Commissioner, Kannur under Sec 14B.

2. Notice served upon the respondent, counter already filed.
3. Heard the learned Counsel for the appellant on point of admission as well as the respondent counsel. Peruse the record.
4. Appellant counsel submits that the delay period has been condoned by the Hon'ble High Court by the decision passed in Writ Petition No. 29484/2022 dated 16.09.2022. Therefore the matter should be heard on the point of admission to decide the Appeal on merit. The copy of the order dated 16/09/2022 of Hon'ble High Court has been filed by the appellant, which reveals that the delay in filing the appeal has been condoned by the order of the Hon'ble High Court and matter is remanded to Tribunal to decide the Appeal on merit in accordance with the law. Therefore the Tribunal proceed to hear the Appeal on the point of admission.

5. Appellant counsel submits that the appellant is a Government of Kerala Co- Operative undertaking doing the manufacture of Cotton Yarn and covered under the EPF and MP Act provisions, due to lack of demand and high operating cost and for other reasons and finding it difficult to meet the running expense including payment of wages and salaries to workers. It is running in losses. Further due to Covid pandemic situation, the financial condition of the Appellant find great difficulty to extract work force. It is also submitted that due to unexpected recession in the industry and loss of product, there was delay in compliance of the remittance. Therefore prayed to set aside the impugned order. On the other hand, Respondent counsel supported the impugned order.
6. Peruse the record, appellant has raised debatable issues in the present appeal. Therefore appeal is admitted for consideration. Counter has already been filed. List the matter for 25th January 2024 for Hearing.

Sd/-

(Irfan Qamar)
Presiding Officer

Heard the learned Counsel for the Appellant on the petition for the stay of impugned order during pendency of the appeal. Peruse the records. Since Appeal has been admitted consideration. Therefore exercising the power conferred under Rule 21 of EPF Appellate Tribunal Rules 1997, the operation of impugned order is suspended subject to remittance of 20% of the determined amount under Sec 14B within four weeks and proof of remittance be filed on record. List the matter for 25th January 2024.

Sd/-

(Irfan Qamar)
Presiding Officer