



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

सत्यमेव जयते

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

(Monday the 22nd day of February, 2021)

Appeal No.207/2018

(Old No.AKL-131/2016)

Appellant

M/s. Trichur Co-operative
Spinning Mills Ltd.,
Vazhani
Trichur - 680589

By M/s. B.S. Krishnan Associates

Respondent

The Assistant PF Commissioner
EPFO, Regional Office
Kochi- 682017

By Adv. Thomas Mathew Nellimmootil

This case coming up for hearing on 22/02/2021 and this Industrial Tribunal-cum-Labour Court issued the following order on the same day.

ORDER

The present appeal is filed from an order issued U/s 7A of EPF & MP Act assessing dues in respect of non-enrolled employees and also on under reported wages. The appeal was admitted vide order dt. 01/11/2019 on the condition that the appellant shall deposit 25% of assessed dues as per the impugned order with the respondent within

one month and produce proof of remittance on or before 15/1/2020. On 6/3/2020 the appellant filed an IA seeking extension of time for pre-deposit U/s 7(O) of the Act. The request of appellant was allowed and time was granted up to 15/04/2020. When the matter was taken up on 08/12/2020 the appellant sought further time for depositing the pre-deposit U/s 7(O) of the Act. Time was extended up to 22/2/2021. When the matter was taken on 22/2/2021 the Counsel for the respondent filed counter and submitted that the appellant failed to remit the pre-deposit amount U/s 7(O) of the Act. The learned Counsel for the appellant submitted that he has no instruction from the appellant regarding the remittance of pre-deposit amount as directed by this Tribunal.

2. As per Sec 7(O) of the Act, “ No appeal by the employer shall be entertained by a Tribunal unless he has deposited with it 75% of the amount due from him as determined by an Officer referred to in Sec 7A provided that the Tribunal may for reasons to be recorded, waive or reduce the amount to be deposited under this section”. In

M/s. Muthoot Pappachan Consultancy and Management Services Vs. Employees Provident Fund Organization and Others, 2009(1)KHC 362 the Division Bench of the Hon'ble High Court of Kerala held that the deposit of 75% U/s 7(O) of EPF Act is a pre-condition for maintaining the appeal and not a condition for staying the operation of the order under appeal. Pre-deposit u/s 7(O) of the Act is the normal rule for maintaining the appeal.

3. The appeal was admitted on 1/11/2019 on the condition that the appellant shall deposit 25 % of the assessed dues as per the impugned order within 1 month from the date of admission and also produce proof of remittance on or before 15/01/2020. Thereafter the time was extended on many occasions on the request of the appellant. Even after one year the appellant failed to deposit the pre-deposit amount as directed by this Tribunal.

The appeal is dismissed as non-maintainable since the appellant failed to satisfy the pre-deposit U/s 7(O) of the Act.

Sd/-

(V. Vijaya Kumar)
Presiding Officer