



सत्यमेव जयते

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

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

(Monday the 22<sup>nd</sup> day of February, 2021)

**Appeal No. 340/2019**

(Old No.ATA-740(7)2015)

Appellant

M/s. India Vision Satellite  
Communications Ltd .,  
Titus Towers, Padivattom  
NH Bye pass  
Kochi – 682034.

By Adv. M/s. Menon & Pai

Respondent

The Regional PF Commissioner  
EPFO, Sub Regional Office  
Kaloor,  
Kochi – 682017

By Adv. Sajeev Kumar K.Gopal

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**

Present Order issued U/s 7A of EPF & MP Act assessing the regular dues to be paid by the appellant establishment. The appeal was admitted vide order dt. 06/03/2020, subject to a pre-deposit of 40% of assessed

dues U/s 7(O) of the Act, with the respondent within one month . The appellant was also directed to produce proof remittance with the respondent on or before 17/4/2020. Thereafter the appeal was posted on various dates and finally on 8/12/2020. The respondent filed counter and submitted that the appellant failed to remit the pre-deposit U/s 7(O) as directed by this Tribunal. On the request of the learned Counsel for the appellant the matter was posted to 22/02/2021 for confirmation of pre-deposit amount. The Counsel for the respondent submitted that no pre-deposit is made by the appellant. The learned Counsel for the appellant submitted that he has no instruction from the appellant

2. As per Sec 7(O) of the Act, “ No appeal by the employer shall be entertain 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. U/s 7(O) of the Act, the normal rule is deposit of 75% of the amount assessed U/s 7A. In the special circumstance of this case, the pre-deposit was reduced to 40%.

3. The appeal is admitted on the condition that the appellant shall remit 40 % of assessed dues within one month from the date of admission. Even after one year the appellant has not remitted the pre-deposit amount as directed by this Tribunal while admitting the appeal. Hence the appeal is not maintainable

The appeal is dismissed as not maintainable.

Sd/-

**(V. Vijaya Kumar)**  
Presiding Officer