



सत्यमेव जयते

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

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

(Thursday the 24th day of March, 2022)

Appeal No.02/2022

Appellant : M/s.Kerala Industrial Infrastructure
Development Corporation (KINFRA)
Elankan Gardens
KINFRA House
Sasthamangalam P.O.
Trivandrum - 695010

By Adv.Anil Narayan

Respondents : 1. The Assistant PF Commissioner
EPFO, Regional Office, Pattom
Trivandrum – 695004

By Adv.Ajoy P.B.

2. M/s.P & C Projects Pvt Ltd
P & C Tower, II Floor
40, Perundurai Road, Erode
Tamil Nadu - 638011

Party in person

This case coming up for admission on 24.03.2022 and the same day this Tribunal-
cum-Labour Court passed the following:

ORDER

The appellant is represented. Adv.Ajoy P.B., Standing Counsel takes notice on behalf of 1st respondent. 2nd respondent is represented in person.

The impugned order is issued U/s 7A of the EPF & MP Act assessing dues in respect of contract employees.

According to the learned Counsel for the appellant, 2nd respondent is an independent contractor covered under the provision of the Act. According to the relationship of the appellant with the contractor is that of principal to principal. The learned Counsel also pointed out that the impugned order cannot be sustained against the appellant and therefore pleaded that the appeal may be admitted waiving pre-deposit U/s 7(O) of the Act.

The issues raised in this appeal are required to be examined in detail at the time of hearing the appeal on merit depending on the contentions of the respondents. Hence the requirement of pre-deposit cannot be completely waived at this stage of the proceeding. However considering the legal issues raised by the learned Counsel for the appellant, the pre-deposit U/s 7(O) is reduced to 20% of the assessed dues.

The appeal is admitted subject to remittance of 20% of the assessed dues with the respondent within 4 weeks from today. Proof of remittance shall be produced on or before the next date of posting. Subject to above, the impugned order is stayed and the respondent is restrained to take any action for recovery of the dues as per the impugned order.

Adjourned to 29.06.2022 for written statement, by respondents.

Sd/-

(V. VIJAYA KUMAR)
Presiding Officer