



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

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

(Tuesday the 23rd day of November, 2021)

Appeal No.7/2021

Appellant : M/s.Sathyadhara Communications (P) Ltd
Dasrshana T V
Orchid Garden, Eranhipalam
Kozhikode - 673006

By Adv.Rajesh Nair

Respondents : 1. The Central Board of Trustees
EPFO, Bhavishyanidhi Bhavan
14, Bhikaji Cama Palace
New Delhi – 110066

2. The Assistant PF Commissioner
EPFO, Regional Office
Eranhipalam P.O.
Kozhikode - 673006

3. The Recovery Officer
EPFO, Regional Office
Eranhipalam P.O.
Kozhikode – 673006

By Adv.(Dr.)Abraham P. Meachinkara

This case coming up for hearing on 23.11.2021 and the same day this
Industrial Tribunal-cum-Labour Court issued the following:

ORDER

Present appeal is filed from order no.KR/KKD/28147/7A/ENF-1(4)/2019/4288 dt.21.11.2019 assessing dues U/s 7A of the EPF & MP Act, 1952 for the period from 06/2017 to 03/2019 and on non enrolled employees from 11/2017 to 03/2019. The total dues assessed is Rs.26,02,750/-.

2. The appeal was admitted vide order dt.16.03.2021 subject to the condition that the appellant shall deposit 30% of the assessed dues U/s 7(O) of the Act with the respondent within one month from the date of the order. As per Sec 7(O) the appellant was required to deposit 75% of the assessed dues. However, in the special circumstances pleaded by the Counsel for the appellant, the pre-deposit was reduced to 30% and the appellant was directed to produce proof of deposit on or before 31.05.2021. Thereafter the matter was posted on various dates. On 23.07.2021, the learned Counsel for the appellant sought extension of time for depositing 7(O) amount and time was granted. Finally the matter was adjourned to 17.09.2021 for confirmation and hearing. Again the matter was adjourned to 23.11.2021. When the matter is finally taken up today, the learned Counsel for the respondent submitted that the appellant failed to remit the pre-deposit amount U/s 7(O) as on 23.11.2021.

3. 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.

4. The appeal was admitted on 16.03.2021 on the condition that the appellant shall deposit 30% of the assessed dues with the respondent within 3 weeks and produce proof of remittance on or before 31.05.2021. Even after more than 6 months the appellant failed to comply with the pre-deposit U/s of the Act 7(O) even after the pre-deposit is reduced to 30% from 75% as required under the Section.

Hence the appeal is dismissed as not maintainable.

Sd/-
(V. VijayaKumar)
Presiding Officer