



सत्यमेव जयते

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

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

(Thursday the 28th day of April, 2022)

Appeal No.108/2021

Appellant : M/s.N.K. Trading Company
N.K. Tower
Kochuparakulam
Kalluvathukkal P.O.
Kollam – 691578

By Adv.B. Mohan Lal

Respondents : 1. The Assistant PF Commissioner
EPFO, Regional Office
Ponnamma Chambers
Kollam – 691001

2. The Enforcement Officer
EPFO, Regional Office
Ponnamma Chambers
Kollam – 691001

By Adv.Pirappancode V.S. Sudheer

This case coming up for admission on 28.04.2022 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

Heard both the Counsels on admission.

Present appeal is filed from order no.KRKLM/25205/Ecourt No.262/2018/ENF1(3)/Area 3/2021 dt.16.09.2021 issued U/s 7A of EPF & MP Act, 1952 assessing regular dues and dues in respect of non enrolled employees from 08/2013 to 06/2018.

According to the learned Counsel for the appellant the impugned order is issued without giving proper opportunity. The learned Counsel for the respondent pointed out that 23 opportunities are given over a period of 3 years before the impugned order is issued. The learned Counsel for the appellant further pointed out that the non enrolled employees are casual employees who need not be enrolled to the fund. The learned Counsel for the respondent pointed out that even in the Sec 7B review application the appellant had no such case.

The contribution in respect of regular employees pertains to the period for 2013 to 2018. There is absolutely no justification for not remitting the same.

The appeal is admitted subject to remittance of 40% of the assessed dues with the respondent within one month from today and produce proof of remittance on the next date of posting. Subject to above the impugned order is stayed and the respondent is restrained from taking any coercive action for recovery.

Respondent filed counter. Adjourned to 08.06.2022 for compliance and hearing.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer