



सत्यमेव जयते

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

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

(Wednesday the 13th day of October, 2021)

Appeal No.15/2021

Appellant : M/s. Goldenfork Restaurant &
Catering Co. (P) Ltd
Karikkamuri Cross Road
Kochi - 682011

By Adv. C.B.Mukundan

Respondent : The Regional PF Commissioner
EPFO, Regional Office, Kaloor
Kochi - 682017

By Adv.Sajeev Kumar K. Gopal

This case coming up for hearing on 13.10.2021 and the same day this Industrial Tribunal-cum-Labour Court issued the following:

ORDER

Present appeal is filed from order no.KR/KCH/ENF-1(2)/21376(7A)/2020/3337 dt.24.09.2020 assessing dues U/s 7A of the EPF & MP Act, 1952 for the period from 03/2016 to 08/2018. The total dues assessed is Rs.17,13,720/-.

2. The appeal was admitted vide order dt.09.03.2021 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 30.03.2021. Thereafter the matter was posted on various dates. Though the counsel for the appellant was present on 09.09.2021, there was no confirmation regarding pre-deposit and finally the matter was adjourned to 13.10.2021. 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 13.10.2021.

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 09.03.2021 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 30.03.2021. Even after more than 6 months the appellant failed to comply with the 7(O) requirement even after the pre-deposit is reduced to 30% from 75% as required U/s 7(O).

Hence the appeal is dismissed as not maintainable.

Sd/-

(V. Vijaya Kumar)
Presiding Officer