



सत्यमेव जयते

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

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

(Friday the 13th day of August, 2021)

Appeal No.18/2020

Appellant : M/s.Sanjo Motors
XVI/318A
Areeckal Junction
Karukutty P.O.
Ernakulam – 683576

By Adv.C. B. Mukundan

Respondents : 1. The Assistant PF Commissioner
EPFO, Sub Regional Office, Kaloor,
Kochi – 682017
2. The Managing Partner
M/s.J&D Autocraft,
Karukutty
P.O., Angamaly
Ernakulam – 683576

By Adv.Sajeevkumar K. Gopal

This case coming up for final hearing on 13.08.2021 and the same day
this Industrial Tribunal-cum-Labour Court issued the following:

ORDER

Present appeal is filed from order no.KR/KCH/1529364(7A)/ENF-
V(3)/2019/1272 dt.16.07.2019 assessing dues U/s 7A of the EPF & MP Act,

1952 (hereinafter referred to as 'the Act') for the period from 02/2017 to 12/2018. The total dues assessed is Rs.22,31,428/-. Order no.KR/KCH/1529364/ENF-5(3)/2019/8084 dt.18.12.2019 U/s 7B of the Act also challenged in this appeal.

2. The appeal was admitted vide order dt.19.02.2020 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 taking into account the financial difficulties pleaded by the Counsel for the appellant. The matter was adjourned to 13.04.2020. There was no confirmation for Sec 7(O) deposit. On 02.07.2021 both the parties were represented and the appellant filed IA No.161/2021 for extension of time. Time was granted till 12.08.2021 and the appeal was posted on 13.08.2021 for confirmation of remittance and counter. When the matter was taken up today both the parties were represented and the Counsel for the appellant submitted that the 7(O) direction was not complied with even after the extended time.

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 19.02.2020 on the condition that the appellant shall deposit 30% of the assessed dues with the respondent within one month from the date of the order. Even after seven months the appellant failed to comply with the pre-deposit U/s 7(O) of the Act even after the pre-deposit is reduced to 30% from 75% as required under the Section.

Hence the appeal is dismissed for non-compliance with the 7(O) direction.

Sd/-

(V. VijayaKumar)
Presiding Officer