



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

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

(Thursday the 9th day of September, 2021)

Appeal No.195/2018

Appellant : M/s.Economic Food Solutions Pvt Ltd
Plot No.14, Major Industrial Estate
South Kalamassery
Kochi – 683104

By Adv.Jolly John

Respondents : R1. Kalamassery Development Plot
Employees Charitable Society
Rajeev Bhavan, Edappally Toll
Ernakulam

R2. The Assistant PF Commissioner
EPFO, Regional Office, Kaloore
Kochi – 682017

R3. Employees Provident Fund
Organisation
Regional Office, Kaloore
Kochi – 682017

By Adv.Sajeev Kumar K. Gopal

This case coming up for hearing on 09.09.2021 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

Heard both the Counsels. The impugned order is issued U/s 7A of the Act. There is no delay in filing the appeal.

The impugned assessment is against non enrolled employees. According to the Counsel for the appellant the employees were engaged through another society and the primary responsibility of remitting the contribution was with the society. According to the Counsel for the respondent the society is not covered under the purview of the Act and therefore the liability is on the principal employer. Though the appellant could establish a prime facie case the balance of convenience is favour of the respondent.

Hence the appeal is admitted subject to remittance of 40% of the assessed dues U/s 7A of the Act with the 3rd respondent within a period of 4 weeks from today. Proof of remittance shall be produced on the next date of posing. Subject to above the impugned order is stayed until further orders.

Respondent filed counter. Adjourned and posted to 13.10.2021 for hearing.

Sd/-

(V. VIJAYA KUMAR)
Presiding Officer