



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

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

(Wednesday the 15th day of September, 2021)

Appeal No.222/2019

(Old No.1316(7)2014)

Appellant

M/s.St.Johns School
Peringala P.O.
Kayamkulam - 690559

By Adv.Nisha George

Respondent

The Assistant PF Commissioner
EPFO, Regional Office, Kaloor
Kochi - 682017

By Adv.Sajeevkumar K. Gopal

This case coming up for hearing on 15.09.2021 and on the same day this Industrial Tribunal-cum-Labour Court issued the following:

ORDER

Present appeal is filed from order no.KR/KC/13222/ENF-II(5)/2014/8245 dt.05.11.2014 assessing dues U/s 7A of the EPF & MP Act, 1952 against non enrolled employees for the period from 06/2013 to 01/2013. The total dues assessed is Rs.6,68,706/-.

2. The appeal was admitted vide order dt.05.02.2020 subject to the condition that the appellant shall deposit 40% 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 40% and the appellant was directed to produce proof of deposit on or before 19.03.2020. The appeal was posted on various dates for confirmation of 7(O) deposit. On 15.09.2021 there was no representation for the appellant and no confirmation regarding pre-deposit. The learned Counsel for the respondent confirmed that 7(O) amount is not remitted by the appellant.

3. As per Sec 7(O) of the Act, "No appeal by the employer shall be entertained 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 05.02.2020 on the condition that the appellant shall deposit 40% of the assessed dues with the respondent within one month and produce proof of remittance on or before 19.03.2020. Even after more than one year the appellant failed to comply with the 7(O) requirement even after the pre-deposit is reduced to 40% from 75% as required U/s 7(O).

Hence the appeal is dismissed as not maintainable.

Sd/-

(V. Vijaya Kumar)
Presiding Officer