



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

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

(Tuesday the 9th day of February, 2021)

Appeal No.298/2019

Appellant : M/s.Hi-Care Gloves Pvt Ltd
Marangattupally P.O.
Kottayam - 686635

By Adv.John Mathew Therezhath

Respondent : The Assistant PF Commissioner
EPFO, Regional Office, Thirunakkara
Kottayam – 686001

By Joy Thattil Ittoop

This case coming up for hearing on 09.02.2021 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

The impugned order is issued U/s 7A of the EPF & MP Act assessing regular dues for the period from 08/2016 to 08/2018. This appeal was admitted vide order dt.20.08.2019. Considering the financial difficulties pleaded by the learned Counsel for the appellant, the pre-deposit amount U/s 7(O) of the Act was reduced from 75% to 40%. The appellant was directed to deposit the

amount with the respondent within four weeks and file proof of remittance on or before 03.10.2019. On 03.10.2019, the learned Counsel for the appellant pleaded for extension of time for depositing the amount. Vide order dt.03.10.2019, the time is extended till 10.12.2019. The appeal was posted on 10.03.2020, 12.10.2020 and 23.11.2020 for confirmation of the deposit. On 23.11.2020 the learned Counsel for the appellant submitted, some amount has already been deposited and he will be filing a statement. The appellant again sought time to confirm the remittance, and the appeal was posted on 05.01.2021 for confirmation. The appellant again sought time and the matter is posted to 09.02.2021.

When the matter is taken up, the learned Counsel for the respondent submitted that the pre-deposit U/s 7(O) as ordered by this Tribunal is not complied with. In **M/s.Muthoot Pappachan Consultancy Management Services Vs Employees Provident Fund Organization**, 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 the Act is a precondition for maintaining the appeal. Since the appellant failed to deposit the amount U/s 7(O) of the Act even after 1½ years the appeal is not maintainable.

Hence the appeal is dismissed as not maintainable as the appellant failed to deposit the 7(O) amount even after 1½ years.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer