



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

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

(Thursday the 27th day of January, 2022)

Appeal No.442/2019

(Old No.86(7)2016)

Appellant : M/s.Society for Women's Work
LMS Compound
Trivandrum - 695033

By Adv.Anil Narayan

Respondent : The Assistant PF Commissioner
EPFO, Regional Office, Pattom
Trivandrum - 695004

By Adv.Ajoy P.B.

This case coming up for hearing on 27.01.2022 and the same day this
Industrial Tribunal-cum-Labour Court issued the following:

ORDER

Present appeal is filed from order no.KR/16953/ENF-II(2)/2015/5439
dt.24.11.2015 assessing dues U/s 7A of the EPF & MP Act, 1952 (hereinafter
referred to as 'the Act') for the period from 04/1975 to 07/2013. The total
dues assessed is Rs.1,00,85,367/-.

2. The appeal was admitted vide order dt.19.12.2019 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 4 weeks 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 30.01.2020. The Counsel for the appellant submitted that the 7(O) amount could not be deposited as the Bank account of the appellant is frozen by the respondent. The respondent is directed to modify the 8F order, recover the 40% 7(O) amount and defreeze the account forthwith.

On 07.04.2021 the respondent confirmed that U/s 8F order is modified however could not confirm whether the amount is actually transferred. On 02.08.2021 learned Counsel for the appellant submitted that their account was attached and amount transferred to the respondent in 2019 itself. Counsel for the respondent submitted that respondent authority is yet to receive the amount. The respondent produced a copy of the communication from the Bank. Matter is adjourned to 08.09.2021 for confirmation and hearing. On 08.09.2021 the Counsel for the respondent submitted that the recovery made by EPFO pertains to some other establishment and no amount is deposited by the appellant U/s 7(O) as per the direction of this

Tribunal. The Counsel for the appellant sought time to confirm remittance. Again the matter was adjourned to 22.10.2021. When the matter was taken up on 24.11.2021 the Counsel for the appellant filed an IA, sought time for 7(O) deposit. The Counsel for the appellant was directed to deposit the 7(O) amount by 25.01.2022.

On 27.01.2022, there is no representation for the appellant. Respondent is represented. An email is received from the Counsel for the appellant stating that they are depositing Rs.10 lakhs (Rupees ten lakhs only) and the balance amount will be deposited on or before the next date of posting. It is further informed that the Hon'ble Principal Sub. Judge, Trivandrum in IA No.1/2020 in OS No.62/2020 has issued an injunction restraining the appellant from operating the Bank accounts and the appellant sought some time to remit the Section 7(O) pre-deposit.

The special circumstances explained in the mail, time is extended upto the next date of posting. If the amount is not deposited by that date, the appeal will be dismissed, as not maintainable, since the appeal is admitted 2 years back on the condition of pre-deposit.

Adjourned to 24.03.2022 for confirmation.

Sd/-
(V. VijayaKumar)
Presiding Officer