



सत्यमेव जयते

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

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

(Monday the 14th day of December, 2020)

APPEAL No.712/2019
(Old no.117(7)2012)

Appellant : M/s.Glenmary Estate
Hope Plantations
Peerumade
Idukki -685531

By Adv.Sajith P. Warriar

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

By Adv.Joy Thattil Ittoop

This case coming up for final hearing on 11.12.2020 and this Tribunal-cum-Labour Court on 14.12.2020 passed the following:

ORDER

Present appeal is filed from order no.KR/KTM/395 A/ENF-1(4)/2011/9453 dt.21.11.2011 assessing the dues U/s 7A of EPF & MP Act, 1952 (hereinafter referred to as 'the Act') in respect of the default from 08/2010 to 07/2011. The total dues assessed is Rs.8,86,526/-.

2. According to the learned Counsel for the appellant, dues could not be paid in time because of the severe financial difficulties during the relevant point of time. On verification of the impugned order it is seen that the assessment of dues was made on the basis of the documents produced by the appellant before the 7A authority. The learned Counsel for the appellant fairly conceded that they are not disputing the quantum of dues assessed for the period from 08/2010 to 07/2011. However she requested that the appellant may be granted some time to remit the dues.

3. The learned Counsel for the respondent argued that the assessment is for the period of default from 08/2010 to 07/2011. The appellant failed to remit the amount or any part of the amount during the last 10 years. Hence he pleaded that no further time can be granted to the appellant to remit the assessed dues as per the impugned order.

4. The appellant had already deducted the employees' share of contribution from the salary of the employees 10 years back and they were holding the amount or utilising the same for their business purposes. Hence the appellant cannot be given any further time for remitting the employees' share of contribution. However the appellant can be given some time to remit the employer's share of contribution.

In view of the above, the appeal is dismissed with the following directions.

1. The appellant shall remit the employees' share of contribution on or before 15th of January 2021.
2. The appellant is granted 5 equal monthly instalments to remit the employer's share of contribution.
3. If the appellant failed to honour any of the instalments as directed above, the respondent is at liberty to take recovery action, to recover the whole amount.
4. The time granted to remit the dues will not save the appellant of its liability U/s 14B and 7Q of the Act.

Sd/-
(Presiding Officer)