



सत्यमेव जयते

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

Present: Shri.Irfan Qamar, Presiding Officer.

(Friday the 10th day of November, 2023)

APPEAL No.72/2023

Appellant : M/s.Aby Developers Pvt Ltd
12th Floor, Harmony Apartment
Thottakkatukara, Aluva
Ernakulam - 683108

By Adv.V. Krishna Menon

Respondent : The Regional PF Commissioner
EPFO, Regional Office
Kochi - 682017

By Adv.S. Prasanth

This case coming up for admission on 10.11.2023 and the same day this Industrial Tribunal-cum-Labour Court passed the following:

ORDER

1. Present appeal is filed by the appellant U/s 7(I) of EPF and MP Act challenging the impugned order dt.18.05.2023 passed by Assistant Provident Fund Commissioner, Kochi U/s 14B of EPF and MP Act, 1952.
2. Notice served upon the respondent. The Counsel for the respondent appeared seeking time to file the counter.

3. Appellant submits that appellant is covered under the EPF and MP Act,1952 and code number has been allotted and the appellant had not committed any default or delay in remitting the statutory dues under the law. There was a delay during the period from September 2014 to March 2020 owing to administrative exigencies, especially since the entire records maintained by the appellant had been washed away during the floods that ravaged the State during July/August and it was only after recreating the records and realizing payments had not been effected. Further appellant submits that the respondent authority did not consider the contentions raised by the appellant during the enquiry and there was no intention of delay on the part of the appellant in compliance of the provisions of law. It is further submitted that the impugned order passed by the respondent is illegal, arbitrary and it is a non speaking order.
4. On the other hand respondent supported the impugned order and contended that the order has been passed by following the principles of natural justice according to law.
5. Peruse the records and impugned order. Appellant has raised a debatable issue which requires consideration in the appeal. Therefore the appeal is admitted for consideration. List the matter for counter on 29.01.2024

Sd/-
(IRFAN QAMAR)
Presiding Officer

Appellant submits that the respondent authority is trying to issue recovery process against the appellant establishment and if the operation of the impugned order is not suspended, appellant would suffer irreparable loss. Appeal has been admitted for consideration while exercising the power conferred under the rule 21 of EPF Appellate Tribunal, 1997, the operation of the impugned order is stayed subject to remittance of 20% of the determined amount U/s 14B till disposal of the appeal. The proof of deposit be submitted within 4 weeks on record. List the matter for counter on 29.01.2024.

Sd/-
(IRFAN QAMAR)
Presiding Officer