



सत्यमेव जयते

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

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

(Tuesday the 13<sup>th</sup> day of April, 2021)

**APPEAL No.753/2019**  
(Old No.978(7)2012)

Appellant : Chairman  
M/s.J. D. Mc Leod Memorial  
Charitable Trust  
Poomala P.O., S. Bathery  
Wayanad - 673592

Respondent : The Assistant PF Commissioner  
EPFO, Regional Office  
Eranhipalam P.O.  
Kozhikode – 673006

By Adv.(Dr.)Abraham P. Meachinkara

This case coming up for final hearing on 13.04.2021 and the same day this Tribunal-cum-Labour Court passed the following:

**ORDER**

Present appeal is filed from order no.KR/KK/28214/ENF-2(1)/2012-13/954 dt.11.06.2012 assessing regular dues U/s 7A of EPF & MP Act, 1952 (hereinafter referred to as 'the Act') for the period from 07/2004 to 02/2011. The total dues assessed is Rs.6,95,993/-.

2. The appeal is filed before the Hon'ble EPF Appellate Tribunal, New Delhi. The appeal was admitted vide order dt.09.01.2013 subject to a pre-deposit of Rs.2 lakhs within 4 weeks from the date of the order U/s 7(O) of the Act. After transfer of the files to this Tribunal, summons were issued to the appellant and also the respondent. The summons issued to the appellant was acknowledged on 31.01.2020. There was no representation on behalf of the appellant before this Tribunal. On 13.04.2021 the learned Counsel for the respondent submitted that the Sec 7(O) pre-deposit as required U/s 7(O) and as ordered by EPF Appellate Tribunal, New Delhi is not remitted by the appellant. Since there was no representation on the side of the appellant the same could not be confirmed from the appellant.

3. In **M/s.Muthoot Pappachan Consultancy Management Services Vs Employees Provident Fund Organisation**, 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 seven years the appeal is not maintainable.

Hence the appeal is dismissed as not maintainable.

Sd/-

(V. Vijaya Kumar)  
Presiding Officer