



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

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

(Thursday the 20<sup>th</sup> day of January, 2022)

**Appeal No.90/2021**

Appellant : M/s.Galaxy Homes Pvt Ltd  
6<sup>th</sup> Floor, Galaxy Squares  
Rajaji Road Junction  
M.G. Road  
Kochi - 682035

By Adv.Ashok B. Shenoy

Respondent : The Regional PF Commissioner  
EPFO, Regional Office, Kaloor  
Kochi – 682017

By Adv.Sajeev Kumar K. Gopal

This case coming up for admission on 20.01.2022 and the same day this Tribunal-cum-Labour Court passed the following:

**ORDER**

Both sides are represented. According to the learned Counsel for the appellant, it is the second round of litigation. In the 1<sup>st</sup> round of litigation, this Tribunal set aside the 7A order and remanded the case back to the respondent authority. The respondent authority issued the impugned order confirming the earlier order as the appellant could not produce any additional evidence.

However copies of the report of the Enforcement Officer and the Mahazar were provided to the appellant as per the direction of this Tribunal. The appellant is attacking the mahazar prepared by the Enforcement Officer on the basis of which the impugned order is issued. The learned Counsel also pointed out that further deposit U/s 7(O) may be waived as 30% of the assessed amount had already been deposited as per earlier order.

The learned Counsel for the respondent submitted that the pre-deposit may not be waived on the ground that 30% of the assessed dues was paid as pre-deposit earlier.

In the light of the submissions made by the learned Counsel for the appellant, the legality of the impugned order is required to be examined in the final stages of this appeal. The appellant had already deposited 30% of the assessed dues, in the 1<sup>st</sup> round of proceedings as per the direction of this Tribunal.

In the circumstances of the case, the pre-deposit already made will satisfy the legal requirement U/s 7(O) of the Act.

Hence the appeal is admitted waiving pre-deposit and the impugned order is stayed until further orders.

Adjourned to 31.03.2022 for filing counter.

Sd/-  
(V. VIJAYA KUMAR)  
Presiding Officer