



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

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

(Wednesday the 12<sup>th</sup> day of January, 2022)

**Appeal No.91/2021**

Appellant : M/s.Sreedhar  
31/1025-1, Palli Street  
Palakkad - 678014

By Adv.Viju K. Raphael

Respondents : 1. The Central Board of Trustees  
EPFO, Bhavishyanidhi Bhavan  
14, Bhikaji Cama Place  
New Delhi – 110066

2. The Regional PF Commissioner  
EPFO, Sub Regional Office  
Eranhipalam P.O.  
Kozhikode – 673006

This case coming up for admission on 12.01.2022 and the same day this Tribunal-cum-Labour Court passed the following:

**ORDER**

Heard the Counsel for the appellant. The impugned order is issued U/s 7A of the EPF & MP Act, 1952 on non enrolled employees. According to the Counsel for the appellant the impugned order is an ex-party order and certain months the same amounts are taken as wages. It is seen that the inquiry was initiated on 13.11.2019 and was concluded on 03.09.2021. It is also seen that more than

adequate opportunities were given to the appellant to produce original records. The appellant failed to produce complete documents and the respondent issued the impugned order on the basis of the report of the Enforcement Officer who conducted the inspection of the appellant establishment. Considering the fact that the appellant is a cloth merchant and the liability created by the impugned order is very high, the pre-deposit condition U/s 7(O) of the EPF & MP Act can be reduced to certain extent.

The appeal is admitted subject to remittance of 25% of the assessed amount, which amounts to approximately the admitted amount, with the respondent within a period of 4 weeks. Subject to above the impugned order is stayed until further orders. The learned Counsel for the appellant submitted that the respondent attached the Bank account of the appellant during the pendency of this appeal. The respondent is directed to withdraw the attachment subject to remittance of 25% of the assessed dues U/s 7(O) of the Act.

Issue notice to the respondent to appear and file written statement.  
Adjourned and posted to 16.03.2022 for written statement.

Sd/-  
(V. VIJAYA KUMAR)  
Presiding Officer