



सत्यमेव जयते

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

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

(Wednesday the 15th day of June, 2022)

Appeal No.92/2021

Appellant : M/s. Arenco Catering
Babu Compex
Treasury Building
Feroke.P.O.
Kozhikode – 673 631.

By Adv.C. B. Mukundan

Respondent : The Regional PF Commissioner
EPFO, Sub Regional Office
Eranjipalam P.O.
Kozhikode - 673006

By Adv.(Dr.) Abraham P. Meachinkara

This case coming up for final hearing on 15.06.2022 and the same day this Industrial Tribunal-cum-Labour Court issued the following:

ORDER

Present appeal is filed from order no.KR/KKD/23677/ENF-II(2)/2021-22/2453 dt.12.07.2021 assessing dues U/s 7A of the EPF & MP Act, 1952 (hereinafter referred to as 'the Act') for the period from 06/2018 to 04/2019. The total dues assessed is Rs.10,01,290/-.

2. The appeal was admitted vide order dt.10.02.2022 subject to the condition that the appellant shall deposit 50% of the assessed dues U/s 7(O) of the Act with the respondent within 3 weeks and proof of remittance shall be produced on the next date of posting, taking into account the financial constraints pleaded by the Counsel for the appellant. Respondent filed counter. The matter was adjourned to 04.05.2022 for confirmation of pre-deposit and hearing. On 04.05.2022 appellant was not represented and there was no confirmation regarding 7(O) deposit. The matter was again adjourned and finally posted to 15.06.2022 for confirmation and hearing. When the matter was taken up today, both the parties were represented and the Counsel for the respondent submitted that the 7(O) direction was not complied with even after 4 months.

3. As per Sec 7(O) of the Act, "No appeal by the employer shall be entertained by a Tribunal unless he has deposited with it 75% of the amount due from him as determined by an Officer referred to in Sec 7A provided that the Tribunal may for reasons to be recorded, waive or reduce the amount to be deposited under this section". In **M/s. Muthoot Pappachan Consultancy and Management Services Vs Employees Provident Fund Organization and Others**, 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 EPF Act is a pre-condition for maintaining the appeal and not a condition for staying the operation of the

order under appeal.

4. The appeal was admitted on 10.02.2022 on the condition that the appellant shall deposit 50% of the assessed dues with the respondent within 3 weeks from the date of the order. Even after 4 months the appellant failed to comply with the pre-deposit U/s 7(O) of the Act even after the pre-deposit amount is reduced to 50% from 75% as required under the Section.

Hence the appeal is dismissed as not maintainable for non-compliance with the pre-deposit U/s 7(O) of the Act.

Sd/-

(V. VijayaKumar)
Presiding Officer