



सत्यमेव जयते

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

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

(Tuesday the 30th day of March, 2021)

Appeal No.99/2019

(Old no.939(7)2014)

Appellant : M/s.Nortech Infonet (P) Ltd
Nortech House
Arakkakadavu Road, Edappally
Kochi – 682024

By Adv.C. B. Mukundan

Respondent : The Assistant PF Commissioner
EPFO, Regional Office, Kaloor
Kochi - 6682017

By Adv.Sajeev Kumar K. Gopal

This case coming up for hearing on 30.03.2021 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

The impugned order is issued U/s 7A of EPF & MP Act assessing dues in respect of the non-enrolled employees. EPF Appellate Tribunal, New Delhi admitted the appeal vide order dt.24.09.2014 on the condition that the appellant shall deposit 40% of the assessed dues with the respondent within four week, U/s 7(O) of the Act. After the transfer of file to this Tribunal, the matter was posted to 22.10.2019 for confirmation of deposit as per order dt.24.09.2014. The appellant sought time and the matter was posted to 05.12.2019 for

confirmation. On 05.12.2019, the appellant again sought time for confirmation and the matter was adjourned to 25.02.2020. Thereafter, the matter was adjourned to various dates on the request of the appellant. However, he could not confirm the pre-deposit. On 31.12.2020, the Counsel for the appellant filed an IA seeking extension of time. The same was allowed and the matter was posted to 29.01.2021 for confirmation. The Counsel for the appellant again filed an IA seeking extension of time which was allowed and the matter was finally posted to 30.03.2021.

On 30.03.2021 the Counsel for the appellant submitted that he has no instructions from the appellant. The Counsel for the respondent confirmed that the pre-deposit ordered by EPF Appellate Tribunal is not complied with.

It is seen that even after six years of the order, the appellant failed to comply with the pre-deposit. 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 six years the appeal is not maintainable.

Hence the appeal is dismissed as not maintainable as the appellant failed to deposit the 7(O) amount.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer