

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, DELHI**

Appeal no. D-1/49/2025

M/s. Gracious Express

....Appellant

Through:- Sh. S.K. Khanna, Ld. Counsel for the appellant.

Vs.

RPFC, Delhi (North)

.....Respondent

Through:- Ms. Santwana Aggarwal, Ld. Counsel for the respondent.

Oral:

Order Dated:- 03.12.2025

The appellant has preferred the present appeal assailing the orders passed by the respondent under section 14B and 7Q of the **Employees' Provident Funds & Misc. Provisions Act, 1952 (hereinafter referred to as 'the Act')** dated 01.08.2025, whereby the respondent assessed damages to the tune of Rs. 9,59,487/- and interest of Rs. 5,32,657/- respectively for belated remittance of PF contributions.

Along with the appeal, an application for condonation of delay has also been annexed, wherein the appellant has stated that it had already informed the office of the respondent by email dated 27.08.2024 regarding the change of its email ID from graciousHr2010@gmail.com to hr@gracousexpresspress.com and its mobile no. from 9818008645 to 9718187900. The appellant, vide email dated 24.09.2024, informed the respondent that its Authorized Representative could not attend the proceedings on 11.06.2024 due to sickness. Thereafter, the appellant didn't receive any further communication from the respondent.

The appellant deputed the Authorized Representative to the office of the respondent, who met the respondent on 23.09.2024 to find out the status of the proceedings. It was informed that the link for virtual hearing was being sent to the old email I.D. The appellant submits

that despite repeated attempts, no email or link was received, and passed the ex-parte order dated 01.08.2025.

The appellant further submitted that it didn't receive the impugned order dated 01.08.2025, purportedly communicated vide letter dated 07.08.2025. On 11.11.2025, Kotak Mahendra Bank, Deshbandhu Gupta Road, Paharganj, New Delhi-55 informed the appellant over phone about the receipt of attachment order from the Recovery Officer, EPFO for recovery of Rs. 14,92,144/-. The appellant further submitted that the appeal was filed on 22.11.2025 which according to the appellant is within the limitation period prescribed under rule 07 (2) of the Employees' Provident Fund Appellate Tribunal (Procedure) Rules 1997. The application for condonation of delay has been filed as a matter of abundant precaution.

The respondent sought time to file a reply to the aforesaid application. However, considering the fact that in spite of being informed of the change of e-mail ID and mobile number, the respondent failed to send any link or communication, and deprived the appellant of an opportunity of being heard in the ongoing enquiry proceedings, no useful purpose would be served in providing an opportunity to the respondent to file a reply of this application for condonation of delay.

Record produced by the establishment reveals startling facts. As per record, the Authorized Representative for the establishment was present in the office on 26.11.2024. Subsequently, on 26.06.2025, the enquiry was closed. Thereafter, on 08.07.2025, a copy of order was ordered to be served upon the establishment informing them regarding the next date of hearing. What transpired in between, nobody knows. On 31.07.2025, the enquiry was closed, and thereafter, the recovery proceedings were initiated.

The procedure adopted by the respondent is very unusual. Instead of sending notices asking them to deposit the dues, the department should have asked whether the appellant had to say anything regarding calculation of dues. Instead, they started pressurizing the establishment. If the summons were given to one Smt. Jyoti chellani for serving the

appellant's establishment on 14.07.2025, then why the department didn't serve the establishment when it didn't join the enquiry proceedings earlier. The order was passed within a week of handing over of summons to Smt. Jyoti Chellani. The appellant has stated that it had sent the letter for changing the email ID and the department had accepted his request, and in spite of this, the respondent had been sending links to the old email address, and it sent the communication to the department regarding non-sending of the link.

In these circumstances, the orders passed by the respondent under section 14B and 7Q of the Act, dated 01.08.2025 is set aside and recalled. The matter is remanded back to the respondent for fresh adjudication after providing ample opportunity to the appellant. The respondent who has recovered the amount in pursuance of the recovery order under section 8F of the Act based on the impugned orders, is directed to refund the recovered amount within two weeks of receipt of this order. It is further directed to conclude the enquiry proceedings within four months from the date of receipt of this order.

The appellant is directed to appear before the respondent on 07.01.2026 at 12:00 PM. The record of this appeal is consigned to the record room.

Sd/-

Atul Kumar Garg
(Presiding Officer)