BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, No. 1 DELHI

Item no.- 04

D-1/39/2025
M/s R N Industries vs. APFC/RPFC-II, RO Delhi (East).

Present: Sh. Sidhart Jha, Proxy Counsel for the appellant.
Sh. Tejasvi Goel, Ld. Counsel along with Sh. Deepak Kumar, AR for the respondent.

Order dated-25.09.2025

1. The record of case file under section 7-A as well as the recovery file has been brought by the department as directed by this Tribunal vide order dated 17.09.2025.

2. The record of this file have been necessitated because the appellant has filed an appeal against the recovery certificate issued on 22.07.2025 under **section 8-F of the EPF & MP Act, 1952 (hereinafter referred to as 'the Act')**, wherein he was asked to pay an amount of Rs. 5,56,986/- by way of demand draft/banker's cheque in favour of the RPFC, Delhi. His contention is that he had already deposited the said amount as sought by the RPFC, in compliance with the order passed under section 7-A in June, 2024 itself.

3. In response to the notice, appellant establishment has submitted the representation on 30.07.2025, enclosing the copies of the challans, payment receipts, dues and deposit details, and ECR copies. Despite receiving the same, respondent has not given any reply and harassing him by calling him daily to appear for realization of the said amount.

4. This Tribunal has also noted the fact that nobody has the headache of filing the appeal, if he has not been harassed. It is an admitted fact that until notice of this appeal was received, department had not taken any step for giving reply.

5. Today, the department has brought the file and stated that a reply was sent via e-mail to the appellant establishment on 15.09.2025. However, for one and a half months after receiving the representation, department has not done anything.

6. The letter dated 15.09.2025, sent to the appellant establishment, reveals that the order have been passed pertain to the six employees namely **Avaneesh Kumar Pandey, Sajid Safi, Ved Prakash, Sushil Kumar Mandal, Jai Prakash & Ghanshyam Rajak**, however, the remittance have been made only in respect of four employees. There is no compliance for **Jai Prakash & Ghanshyam Rajak**. Further, the record reveals that contributions have been paid for six employees namely **Avaneesh Kumar Pandey, Sajid Saifi, Ved Prakash, Sushil Mandal, Manish Kumar & Kuldeep.** Out of these six employees, four employees are the common, the employee **Kuldeep and Manish Kumar** have not been reflected in the original order passed under section 7-A. Department is silent as to whether any dues have been assessed in respect of Manish Kumar & Kuldeep or whether any dues has to be occurred in respect of above said employees.

7. Department is conveniently asking the appellant to pay more than Rs. 2,00,000/- in respect of two employees namely Jai Prakash & Ghanshyam Rajak, leaving stunned to the appellant by keeping silence about the two employees in whose favour the contribution has been deposited i.e. Manish Kumar & Kuldeep by the appellant. If the names of these persons have been wrongly mentioned in the challan, it is the responsibility of the department to adjust the same. It is also a matter of record that the same amount cannot be reflected in respect of the employees in whose favour the amount has been mentioned and the challan have been deposited and

the person in whose favour the amount has not been deposited by the appellant establishment.

8. In the above scenario, respondent department is directed to verify from the records whether any dues remain to be paid in respect of employees **Kuldeep & Manish Kumar**, in whose favour the amount has been deposited inadvertently instead of **Jai Prakash & Ghanshyam Rajak**, within next two weeks. A copy of this order is also sent to the CPFC through mail for asking the respondent to keep vigilant and promptly answer the representation, not harass the appellant for keeping the representation pending for one and a half months and calling him to deposit the whole amount. Put up for 13.10.2025 for further proceeding.

Sd/-
Atul Kumar Garg
(Presiding Officer)