D-1/45/2019

M/s Air India SATS Airport Services Private Limited. Vs. RPFC Delhi (Central).

Present: Adv. Lakshya Proxy for Sh. Rakesh Lakra, Ld. Counsel for the

Appellant.

Sh. B.B. Pradhan, counsel for Sh. D.R Rao, for the Respondent.

Order Dated-19.08.2025

Appellant has filed the amended appeal in terms of the order dated 22.05.2025. Appellant has also filed an application for substitution of the AR. His contention is that Ms. Aastha Maharesh, who was authorized earlier has left the company as such new authorized representative is required to be substituted. Along with the application an affidavit of Mr. Sagar Kabir, Manager legal has also been enclosed along with the resolution passed in the board meeting and a letter of authority.

Counsel for the respondent has no objection if the name of Mr. Sagar Kabir is substituted in place of earlier A/R Ms. Aastha Maharesh. With this, application for substitution is allowed and stands disposed off. Respondent does not want to file reply to the amended appeal. Put up the case on 18.11.2025 for arguments.

D-1/42/2022

M/s Eaton Power Quality Pvt. Ltd. vs. RPFC Delhi South.

Present: Sh. Ravi Mishra, Counsel for the Appellant.

Sh. Chakradhar Panda, Ld. Counsel & Sh. Prateek Tyagi, A/R

for the Respondent.

Order Dated-19.08.2025

Ld. Counsel of the appellant has pressed his application filed under order VI Rule 17 read with section 151 of the CPC 1908 whereby he has made prayer with the certain amendment is required to be brought on record.

He wants amendment in regard to the change of the address of the appellant establishment after the paragraph 6.3 in the following words:-

- 6.3.1- The Appellant had terminated the lease of its office situated at '4, Community Center, Panchsheel Park, New Delhi 110017' communicated and had vacated the premises vide issuing notice of vacation dated 13.06.2008 and Shifted to unit no. 1st, 2nd Floor, TDI Centre, Non Hierarchical Commercial Centre, Jasola, New Delhi-110044 ("Old Jasola Office") with effect from 19.05.2008.
- 6.3.2- Thereafter, due to certain business reasons, the Appellant terminated lease of its Old Jasola Office vide letter dated 27.11.2012 and thereafter handed over the possession to the lessor of Old Jasola Office vide letter dated 15.03.2013 and completely closed its activity from Old Jasola Office including receiving or sending any correspondence from the Old Jasola Office as the same was no longer

with the Appellant. The Appellant shifted from Old Jasola Office to 6th Floor, Tower-B, Plot No. 8, Sector-127, Noida-201301 ("Noida Office") with effect from 01.03.2013 and the said change was duly intimated by the Appellant to the Respondent vide letter dated 05.08.2015 for updating their record.

Further, he want to amend the appeal in paragraph 6.5 where the line start from 'Delhi office from '4, Community Center, Panchsheel Park, New Delhi-100090' be deleted and substituted with 'Noida office.'

Reply to this application has been filed by Id. counsel for the respondent. Counsel for the respondent himself has admitted that it does not have any effect upon the merit of the case. Considering the above submissions made by the respondent, application stands allowed.

So far so another application under section **7-J of the EPF & MP Act, 1952** is concerned, appellant counsel does not want to press his application because the respondent has filed a writ petition against the order passed by this tribunal directing him to refund the 75% of the assessed amount which has been recovered within the time limit of filing of the appeal. Reply to the appeal has already been filed. There is no need of filing the reply of the amended appeal because the amendment sought are formal in nature. Put up on 08.10.2025 for filing of rejoinder if any.

M.A. for restoration of dismissed appeal no. D-1/44/2023 M/s Sumitra International vs. APFC, Delhi (West).

Present: Sh. Rajiv Shukla, Ld. Counsel & Sh. Sanjay Sharma, for the

Appellant.

Sh. Kunal Surhatia, proxy Counsel for Respondent.

Order Dated-19.08.2025

- 1. Ld. Counsel for the applicant pressed his application filed for restoration of appeal stating that the non-appearance of the counsel for the appellant on 22.07.2025 was neither deliberate nor intentional, as he could not appear in time and reached late by 03:00 P.M, as he got stuck due to extreme rainfall on that day.
- 2. He further stated that when he had reached this tribunal at 03:00 P.M., the matter was already dismissed due to non-appearance of the counsel. He further stated that this application for restoration has been moved by him within the stipulated time limit as set out in the Tribunal (Procedure) Rules, 1997.
- 3. Ld. Counsel for the respondent has confirmed that the application for restoration has been filed within the period as specified under the rules, however, he submitted that the application for restoration can only be allowed when this tribunal is satisfied with the cause shown for non-appearance of the appellant counsel.
- 4. Before proceeding further Rule 15 of the Tribunal (procedure) Rules, 1997 is reproduced herein:-

Rule 15- Action on appeal for appellant's default. (1) Where on the date fixed for hearing of the appeal or on any other date to which such hearing may be adjourned, the appellant does not appear when the appeal is called for hearing, the Tribunal may, in its discretion, either dismiss the appeal for default or hear and decide it on merit.

(2) Where an appeal has been dismissed for default and the appellant files an appeal within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the appeal was called for hearing, the Tribunal shall make an order setting aside the order dismissing the appeal and restore the same.

Provided, however, where the case was disposed of on merits the decision shall not be reopened except by way of review.

- 5. I have heard the arguments at bar and perused the record. It is a fact that the counsel for the appellant had appeared on 22.07.2025 before this tribunal after the dismissal of the appeal. Despite this, appellant has waited for 22 more days to file this application that too when recovery notice has been issued against the establishment.
- 6. Though the grounds urged by the counsel is not satisfactory, yet considering the fact that the application in hand is filed within limitation, the same stands allowed subject to a cost of Rs.5000/- (Rs. Five Thousand Only) to be deposited with DLSA. Put up on 08.09.2025 for reporting compliance and arguments on the misc. application filed **u/s 70 of the EPF & MP Act, 1952,** thereafter. In the meanwhile, the recovery notice issued by the respondent department is put on hold.

D-1/20/2024

M/s Sun Dial Securities and Manpower Solutions vs. APFC/RPFC, Delhi South & Anr.

Present: Sh. Saurabh Munjal, Sh. K. K. Pandey, & Sh. Ashish Ojha

counsels, for the Appellant.

Sh. B.B. Pradhan, Ld. Counsel for the Respondent.

Order dated-19.08.2025

Arguments on the misc. application filed u/s **70 of the EPF & MP Act, 1952** heard in part. Ld. Counsel for the respondent is directed to provide record of such employees which have been treated by the appellant as excluded employees but the Assessing officer is treating those employees as covered employees and is assessing the dues to be paid for them. Put up the case on 12.09.2025 for production of the record as well as further arguments.

D-1/21/2024

M/s Sun Dial Securities and Manpower Solutions vs. APFC/RPFC, Delhi South & Anr.

Present: Sh. Saurabh Munjal, Sh. K. K. Pandey, & Sh. Ashish Ojha

counsels, for the Appellant.

Sh. B.B. Pradhan, Ld. Counsel for the Respondent.

Order dated-19.08.2025

Arguments on the misc. application filed u/s 70 of the EPF & MP Act, 1952 heard in part. Ld. Counsel for the respondent is directed to provide record of such employees which have been treated by the appellant as excluded employees but the Assessing officer is treating those employees as covered employees and is assessing the dues to be paid for them. Put up the case on 12.09.2025 for production of the record as well as further arguments.

D-1/39/2024

M/s Jigson Enterprises vs. APFC/RPFC Delhi Central.

Present: Sh. Manoj Kumar, A/R for the Appellant.

Sh. S.N. Mahanta, Ld. Counsel & Sh. Sunil Ranjan, A/R for the

Respondent.

Order dated-19.08.2025

Ld. counsel for the respondent has raised the question that the appeal has been drafted incorrectly taking certain averments in the appeal pertaining to 14B of the EPF & MP Act, 1952 whereas the present appeal has been filed by the appellant challenging an order passed u/s 7A of the Act. The A/R for the appellant is unable to clarify and requested for an adjournment. Put up the case on 11.09.2025 for consideration. Interim orders, if any, to continue till next date of hearing.

D-1/08/2025

M/s Sarvesh Security Services Pvt. Ltd. vs. APFC/RPFC, Delhi East.

Present: Ms. Rajeshwari Mitra Adv., for the Appellant

Sh. Narender Kumar, Ld. Counsel & Sh. Sunil Ranjan, A/R for

Respondent.

Order Dated-19.08.2025

- 1. This is an appeal filed on behalf of the appellant against the order dated 08.01.2025 passed by the respondent authority u/s **14B of the EPF & MP Act, 1952 (hereinafter referred as the Act)** wherein an amount of Rs.7,90,781/- is assessed as damages for the belated payment of dues made during the period 01.03.2020 to 31.10.2022.
- 2. The ld. counsel for the appellant pressed his misc. application filed for granting stay on execution of the impugned order passed u/s 14 of the Act stating that the appellant establishment is run by retired Army Officers and the establishment is at the verge of closure. The ld. counsel for the appellant further stated that the demand of damages has been made after several years and therefore, necessitates a lesser rate of damages. It is also prayed in the said application that respondent has not afforded adequate hearings. She further submitted that the appellant is facing severe financial crisis and the imposition of damages is burdensome, excessive and onerous.
- 3. Ld. counsel for the respondent has filed reply to the misc. application filed for seeking stay wherein respondent has taken a preliminary objection that the appellant has challenged the order u/s 14B & 7Q of the Act and the application is liable to be dismissed on this ground that appeal is not maintainable against the order passed u/s 7Q of the Act. Denying the contents of the application, ld. Counsel for the respondent has stated that no limitation has been prescribed under the Act for initiation of the enquiry u/s 14 B. it is also submitted on behalf of the respondent that adequate hearings were afforded to the appellant as Sh. Sunny had attended the hearing on

behalf of appellant on 20.02.2023 and Md. Akhar Aslam had attended the hearing on 24.02.2023. Although, the enquiry was attended by Sh. Sarvesh Singh, Krishna Kumar and Ms. Rajeshwari, however, the record was not produced deliberately and intentionally to defeat the very object of the Act. Opposing the plea of financial difficulty, ld. Counsel for the respondent has stated in his reply that the appellant has not produced any profit, loss balance sheet or any other document regarding financial crisis before the respondent authority and as such oral submissions cannot be accepted unless supported by some documents. It is also submitted on behalf of the respondent that the appellant has no balance of convenience in his favour and if the present application is allowed, the respondent will suffer irreparable loss as the respondent organisation is giving several benefits to the poor employees as Pension, gratuity, Medical and insurance etc. which require prompt compliance to run the department. Relying upon several judgements passed by Hon'ble Supreme Court as well as High court of Kerala, it is stated on behalf of the respondent department that financial hardship is not sufficient for every default to mitigate damages and prayed for dismissal of the application filed for seeking stay.

- 4. I have heard the arguments at bar and gone through the record of the appeal. It is found that appellant has only challenged the order passed u/s 14B of the Act and hence, the contents of the reply filed by the respondent opposing the appeal qua the order passed under section 7 Q of the Act are not applicable to the present case. It appears that the respondent has adopted a copy and paste approach while preparing the reply to this application for stay of the impugned order.
- 5. Considering the facts and circumstances and arguments made by both the parties, this tribunal is of the view that no case of unconditional stay has been made out. If the stay is not granted and the department would recover the whole amount, then the purpose of hearing the argument on the appeal would be defeated. The case is not yet ripe for hearing the arguments of the appeal, therefore, the impugned order u/s 14 B of the Act is stayed subject to a deposit of **Rs. Two Lakhs Only** by way of **FDR** favouring 'Registrar CGIT' initially for a period of one year having auto renewal mode

thereafter within a period of four weeks from today. It is made clear that if the appellant fails to comply with the condition laid down by this tribunal within the stipulated time frame, the stay shall not be in operation and the respondent shall have the liberty to execute the order as per rules. Put up on 24.09.2025 for reporting compliance by appellant as well as filing of reply to the appeal by Id. Counsel for the respondent. In the meanwhile, interim orders to continue till next date of hearing.

D-1/13/2025

M/s Takshila Public School Education Society vs. APFC/RPFC, Delhi East.

Present: Sh. Prakash Kumar, Ld. counsel for the Appellant

Sh. Tejasvi Goel, Ld. Counsel & Sh. Sunil Ranjan, A/R for

Respondent.

Order Dated-19.08.2025

Perusal of the record reveals that the delay in filing the appeal has already been condoned by this tribunal vide order dated 06.06.2025 and case is required to be listed for arguments on the misc. Application filed **u/s 70 of the EPF & MP** Act, 1952 (hereinafter referred as the Act), however, in the order sheet dated 11.08.2025, it is inadvertently mentioned that the case be listed on the next date for arguments on the delay condonation application.

Ld. Counsel for the appellant submitted his arguments that the appellant which is a school, is not in a good financial condition to comply with the provisions of Section 7 O of the Act and requested for complete waiver.

Opposing the averments of the appellant, Id. Counsel for the respondent submitted that the appellant has come before with this tribunal after concealing the facts and he was in complete knowledge of the proceedings and appellant evaded the proceedings. The trial court record has also been produced by the A/R of the respondent and the same is retained with the record of this appeal.

Perusal of the trial court record reveals that whole enquiry was completed within a short period of two months, it is not clear from the inspection report as well as from the impugned order that what was the status of the establishment while inspection and identity of the persons found working there and in whose respect the labour charges has been taken for assessment of the dues.

Considering the above, the present application filed u/s 7 O of the Act is allowed without any deposit. Reply to this appeal is found on record. Put up on 23.09.2025 for filing of rejoinder by ld. Counsel for the appellant.

D-1/28/2025

M/s Skoda India Pvt. Ltd. vs. APFC/RPFC, Delhi Central.

Present: Sh. Anubhav Shukla, proxy for Sh. M.K. Dwivedi the Appellant

Sh. B.B. Pradhan, Ld. Counsel for Respondent.

Order Dated-19.08.2025

Ld. Counsel for the respondent seeks more time to file reply. In the interest of justice, prayer to grant more time is allowed as a last chance. Put up the case on 23.09.2025 for filing of reply.

Misc. application filed for restoration of appeal no. D-1/30/2025 M/s Indev Consultancy Pvt. Ltd. vs. APFC/RPFC, Delhi Central.

Present: Sh. Mordhwaj Tiwari, for the Appellant

Sh. B.B. Pradhan, Ld. Counsel & Sh. Prateek Tyagi, A/R for

Respondent.

Order Dated-19.08.2025

Ld. Counsel for the applicant filed and pressed his fresh application for restoration of the appeal. It is submitted in the said application that he could not appear on 08.07.2025 due to the demise of his maternal grandfather. He further submitted that the notice dated 04.07.2025 sent by this tribunal informing him the date of admission hearing as 08.07.2025 could not be accessed by him till 15.07.2025 as he was busy in and after cremation rituals.

I have gone through the contents of the application and submission made by Id. Counsel for the applicant. This tribunal is of the view that it is always the best recourse to hear the appeal and decide it on merits rather than to dismiss it on technical grounds such as the inability of the counsel of appellant to appear due to his personal reasons.

Considering the above circumstances narrated by Id. Counsel for the appellant, the present application for restoration of the appeal is allowed subject to a cost of Rs. 1000/- (Rs. One thousand Only) to be deposited with DLSA within one week. The respondent is directed not to take any coercive measures for recovery of the amount as mentioned in the impugned order till next date of hearing. Put up on 24.09.2025 for admission hearing of the appeal. Ld. Counsel for the respondent is directed to file reply to the misc. application for stay as well as to the main appeal on the next date of hearing.

D-1/32/2025

M/s Leather Tec vs. APFC/RPFC, Delhi East.

Present: Sh. S.P. Arora & Sh. Rajiv Arora, Ld. Counsels the Appellant

Sh. Sunil Ranjan, A/R for Respondent.

Order Dated-19.08.2025

AR appearing on behalf of the respondent requested for an adjournment as the main counsel Sh. Manu Parashar is not able to attend the hearing today. In the interest of justice, adjournment is granted. Put up on 17.09.2025 for reply of misc. application filed u/s 70 of the EPF & MP Act, 1952 and the arguments. In the meanwhile, interim orders, if any to continue till next date of hearing.

D-1/24/2024

M/s Beni International vs. APFC/RPFC, Delhi East.

Present: Ms. Arpita Srivastava, counsel for the Appellant

Sh. Narender Kumar, Ld. Counsel & Sh. Sunil Ranjan, A/R for

Respondent.

Order Dated-19.08.2025

Ld. Counsel for the appellant has paid the cost as imposed upon her on 04.06.2025. Accordingly, the appeal stands restored to it's original number.

Ld. counsel for the respondent has filed reply to the application filed under section **70** of the EPF & MP Act, 1952, however, no reply to the misc. application filed for condonation of delay as well as to the main appeal has been filed.

Put up on 15.09.025 for filing of reply to the misc. application filed for condonation of delay as well as consideration of the same. The diary of the advocate which was produced while hearing the restoration application has also been returned to ld. counsel for the appellant. In the meanwhile, interim orders, if any to continue till next date of hearing.

D-1/34/2024

M/s BSES Yamuna Power Limited vs. APFC/RPFC, Delhi South.

Present: Sh. Ravi Mishra, Counsel for the Appellant

Sh. B.B. Pradhan, Ld. Counsel & Sh. Prateek Tyagi, A/R for

Respondent.

Order Dated-19.08.2025

Ld. Counsel for the appellant seeks more time for filing of rejoinder. In the interest of justice, prayer to grant more time is allowed. Put up the case on 24.09.2025 for filing of rejoinder.

D-1/70/2024

M/s Hindustan Infrastructure Co. vs. APFC/RPFC, Delhi East.

Present: Sh. Prakash Kumar, Ld. Counsel the Appellant

Sh. Tejasvi Goel, Ld. Counsel for the Respondent (Vakalatnama

filed).

Order Dated-19.08.2025

Record perused. Sh. Tejasvi Goel, ld. counsel for the respondent has been appearing since 16.01.2025 as each and every time his attendance has been marked. However, today he has filed his vakalatnama stating that he be given time to file reply to the appeal.

Record reveals that on 15.07.2025 a cost of Rs.5000/- was imposed upon the respondent department out of which Rs.3000/- is to be paid to the ld. counsel for the appellant and remaining Rs.2000/- with DLSA. However, neither the reply has been filed nor the cost has been paid. He assures that he will deposit the cost within three days. He be given time of another two week to file reply. Put up on 02.09.2025.

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M/s Badarpur Thermal Power Station vs. APFC, Delhi.

Present: Sh. Rajesh Mahendru, Ld. Counsel the Appellant

Sh. S.N. Mahanta, Ld. Counsel & Sh. Sunil Ranjan, A/R for

Respondent.

Order Dated-19.08.2025

Arguments in the matter heard in part. Accordingly, list the matter on 25.09.2025 for further arguments.

D-1/32/2018

M/s Six Dee Telecom Solutions Pvt. Ltd. vs. APFC, Delhi (South).

Present: Sh. S.P. Arora & Sh. Rajiv Arora, Ld. Counsels the Appellant

Sh. Prateek Tyagi, A/R for Respondent.

Order Dated-19.08.2025

AR appearing on behalf of the respondent requested for an adjournment stating that he is unable to contact his counsel Sh. Rajesh Kumar. In the interest of justice, adjournment is granted. Put up the case on 08.10.2025 for final arguments.

D-1/03/2019

M/s Toshali Resort International vs. APFC/RPFC, Delhi South.

Present: Sh. Vishal Arun, Counsel for the Appellant

Sh. Prateek Tyagi, A/R for Respondent.

Order Dated-19.08.2025

Rejoinder has already been filed on behalf of the appellant which is taken on record. Copy of the same stands supplied to AR appearing on behalf of the respondent. Put up the case on 20.11.2025 for final arguments.

D-1/33/2019

M/s G.K. Diary & Milk Products Pvt. Ltd. vs. APFC/RPFC, Delhi (North)

Present: Sh. Sanjay Kumar, Counsel for the Appellant

Sh. S.N. Mahanta, Ld. Counsel for the Respondent.

Order Dated-19.08.2025

Record perused. For the last several occasions matter has not come up on board and it has been adjourned en-block by the predecessor of this tribunal. Let the case be listed for final arguments on 17.11.2025.

D-1/15/2023

M/s Mobiloitte Technologies India Pvt. Ltd. vs. APFC/RPFC, Delhi East.

Present: None for the Appellant

Sh. B.B. Pradhan, Ld. Counsel & Sh. Sunil Ranjan, A/R for

Respondent.

Order Dated-19.08.2025

Called up several times. None appeared on behalf of the appellant, however, ld. Counsel for the respondent remain present throughout the calls. Accordingly, the present appeal is dismissed for want of prosecution by and on behalf of the appellant. Office is directed to consign the record to the record room.