

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

D-2/35/2024

M/s Bimalraj Outsourcing Pvt. Ltd. vs. APFC/RPFC, Gurugram Central.

Present: Sh. J.R. Sharma & Sh. Bhupesh Sharma, Id. counsel for the Appellant.

Sh. Satpal Singh, Id. Counsel along with Sh. Monu Singh, APFC & Sh. Kumar Shiladitya, RPFC-II for the Respondent.

Order dated-13.08.2025

The presence of the aforementioned officers of the department are necessitated because in spite of the stay granted by this tribunal they have issued the communication dated 30.07.2025 addressed to **Mr. Ashu (Director) M/s Bimalraj Outsourcing Private Limited** asking to pay the amount involved in the present appeal.

Sh. Monu Singh, Recovery Officer has stated that he came to the notice of the stay granted by this tribunal only yesterday via a communication received from the penal advocate that the appeal against the orders u/s 14B and 7Q of the EPF & MP Act, 1952 (hereinafter referred as the Act) has already been heard and the tribunal has reserved the matter for orders on the stay application. He submits that had this information been made available earlier, the demand notice dated 30.07.2025 would not have been issued. He submits that there was no malafide intent or wilful disobedience of the order passed by this tribunal.

More or less same plea has been taken by the Sh. Kumar Shiladitya, the Assessing Officer. The counsel Sh. Satpal Singh has stated that the assessing officer has already been transferred from Gurugram East to Delhi North. Further, the recovery officer Sh. Monu Singh is in probation and has been recruited in 2024 itself.

I have heard the officer present before this tribunal as well as the counsel. This tribunal had already directed the respondent establishment to make coherence between the different departments in the matter of **appeal no. D-2/01/2025 titled as M/s Chennai MSW**

Pvt. Ltd. vs. APFC/RPFC, Noida. The said order has been communicated to all the RPFCs under the jurisdiction of this tribunal. It appears that in spite of the directions issued from time to time, the officer of the respondent are adamant and issued such type of communication on part of the department to the establishment. Plea of the counsel for respondent that it is only a communication and not a coercive action is not tenable because particularly if any such type of communication is received by any person, certainly he become panic and tried to seek the legal remedy. Here, the establishment who has already obtained stay from this tribunal, had contacted his counsel regarding the recovery notice and indulge into unnecessary exercise of moving an application in this regard increasing the burden of this tribunal by wasting judicial time.

In these circumstances, show cause notice be issued to both these officers present before this tribunal as to why the proceedings for disobedience of the order passed by this tribunal be initiated against them. Reply be submitted within a week after receipt of the show cause notice. Put up for consideration of the reply on 26.08.2025.

Atul Kumar Garg
(Presiding Officer)

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

D-2/13/2025

M/s Sona Koyo Steering System Ltd. vs. APFC/RPFC, Gurugram.

Present: Sh. Gaurav Kumar, Sh. S.K. Gupta, Sh. Yajat Kumar (AR), Sh. Raj Kumar, Sh. Harshit Verma from H.L. Kumar and Associates for the Appellant.
Sh. Chakradhar Panda, Ld. Counsel & Sh. Kamal Sharma, A/R for the Respondent.

Order dated-13.08.2025

Ld. Counsel for the respondent has submitted that he has sent the reply of the application u/s **70 of the EPF & MP Act, 1952 (hereinafter referred as the Act)** to the respondent department for signatures but the same has not been received till date.

Record perused. According to the appellant, this establishment has been exempted u/s 17 of the Act for depositing the EPF dues with the department and it has created the trust for the same. Further the trustees of the said exempted trust after due deliberation decided to close the EPF trust and communicated this decision of surrendering the trust to the respondent organisation vide their communication dated 07.10.2015 and 08.01.2016.

It is noteworthy here that prior to surrender of the trust, the accounts of the said exempted trust were audited by the EPFO department on 12.01.2016 and no defaults were recorded in the said compliance audit report.

However, when it has surrendered the exemption, EPFO has appointed third party auditor who alleged that certain amount of Rs.16,29,662/- has been wrongly adjusted by the trust from the accumulation of the previous year. However, according to the appellant he is well within his rights to adjust that amount.

Considering the above fact, it appears that this is purely a legal question which can be decided after hearing the arguments. There is no

need to deposit any amount before entertaining the appeal. Accordingly, the application filed u/s 70 of the Act stands disposed off without any deposit. Put up on 11.09.2025 for filing of reply. Department is restrained from taking any coercive action till finalization of the appeal.

Atul Kumar Garg
(Presiding Officer)

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

D-2/15/2025

M/s Om International School vs. APFC/RPFC, Faridabad.

Present: Sh. J.R. Sharma & Sh. Bhupesh Sharma, Id. counsel for the
Appellant.
Sh. S.N. Mahanta, Ld. Counsel for the Respondent.

Order dated-13.08.2025

This is fresh appeal filed by the appellant assailing the order passed under Section 7A of the EPF & MP Act, 1952 (hereinafter referred as 'the Act') wherein the respondent has assessed an amount of Rs. 23,21,001/- as EPF & allied dues for the period July, 2011 to May, 2016.

Along with the appeal, Id. Counsel for the appellant has also filed a misc. application for condonation of delay as well as application u/s 7 O of the Act. Ld. Counsel for the respondent stated that he has been engaged by the respondent authority today itself and therefore, wants some time to file reply to the same. In the interest of justice, prayer to grant time is allowed. Put up the matter on 20.08.2025 for admission hearing. In the meanwhile, respondent is directed not to take any coercive action for recovery of the amount as mentioned in the impugned order till next date of hearing.

Atul Kumar Garg
(Presiding Officer)

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

D-2/16/2025

M/s Om International School vs. APFC/RPFC, Faridabad.

Present: Sh. J.R. Sharma & Sh. Bhupesh Sharma, Id. counsel for the
Appellant.

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

Order dated-13.08.2025

This is fresh appeal filed by the appellant assailing the order passed under Section 7A of the EPF & MP Act, 1952 (hereinafter referred as 'the Act') wherein the respondent has assessed an amount of Rs.17,69,715/- as EPF & allied dues for the period 06/2016 to 02/2020.

Along with the appeal, Id. Counsel for the appellant has also filed a misc. application for condonation of delay as well as application u/s 70 of the Act. Id. Counsel for the respondent stated that he has been engaged by the respondent authority today itself and therefore, wants some time to file reply to the same. In the interest of justice, prayer to grant time is allowed. Put up the matter on 20.08.2025 for admission hearing. In the meanwhile, respondent is directed not to take any coercive action for recovery of the amount as mentioned in the impugned order till next date of hearing.

Atul Kumar Garg
(Presiding Officer)

