

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

D-1/58/2024

M/s Dolphin Mart Pvt. Ltd. vs. APFC/RPFC, Delhi East.

Present: Sh. S.K. Gupta, Ld. Counsel for the Appellant
Sh. Narender Kumar, Ld. Counsel, Vaibhav Prasad & Sh.
Surender Singh, A/R for Respondent.

Order Dated-19.05.2025

ORAL

1. This order shall dispose an application filed on behalf of the appellant seeking stay on execution of the two orders passed by the respondent u/s 14B and 7Q of the **EPF & MP Act, 1952** whereby an amount of Rs.4,29,334/- and Rs.2,28,040/- has been assessed as damages and interest for belated payment of dues during the remittances made for the period from 01/01/2013 to 31/12/2022.
2. In his application, the appellant has stated that that the appellant is having more interest if the appeal be decided as early as possible to avoid any further liability and requested interim orders till disposal of the appeal.
3. Ld. Counsel for the respondent has also filed reply to this misc. application wherein it is stated that the instant appeal is not maintainable qua order passed u/s 7Q of the Act as per provision of section 7-I and therefore, the appellant is liable to deposit an amount assessed u/s 7Q of the Act. Relying upon the judgment passed in **Organo Chemical Industries vs. Union of India (1979) 4 SCC 573: 1980 SCC (L&S) 92: (SCC pp. 587 &591-92, paras 28 & 40-41)** it is stated on behalf of the respondent that 'Damages' have a wider social semantic connotation than pecuniary loss of interest on non-payment when a social welfare scheme suffers mayhem on account of the injury. Law expands concepts to embrace social needs so as to become functionally effectual.
4. I have heard the arguments of both the counsels and gone through the record. During the course of arguments, Id. Counsel for the appellant stated that if a reasonable condition is imposed upon him, he is agreed to deposit the amount of such condition. Ld. Counsel for the respondent

also submitted that imposing condition while granting the stay is prerogative of this tribunal. However, it should be just for both the parties.

5. After careful consideration of the submissions made both written and oral, this tribunal is of the opinion that it would be just and proper, if the appellant is directed to deposit the amount as assessed u/s 7Q of the Act (Rs.2,28,040/-), as a condition for stay within six weeks from today by way of FDR favouring 'Registrar CGIT' initially for a period of one year having auto renewal mode thereafter.
6. It is made clear that if the appellant fails in complying with the condition laid down as above, there shall be no stay and respondent shall have liberty to execute the orders as per rules. Put up on 14.07.2025 for reporting compliance by the appellant as well as filing of reply to this appeal by Id. Counsel for the respondent. In the meanwhile, interim orders, to continue till next date of hearing.

Sd/-

Atul Kumar Garg
(Presiding Officer)