

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/32/2018

M/s. Six Dee Telecom Solutions Pvt. Ltd. Appellant
Through Sh. S.P Arora & Sh. Rajiv Arora, Ld. Counsel for the Appellant

Vs.

APFC, Delhi(S)
Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 04/08/2022

Although the case was listed for pronouncement of order, the Ld. Counsel for the Respondent has filed one application asking for the permission to file additional affidavit/reply at this stage. Arguments heard. List the matter tomorrow i.e. 05.08.2022 for pronouncement of order on the same.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/26/2020

M/s.Empowered Mass Media Pvt. Ltd. Appellant
Through Sh. Janmejaya Verma, Ld. Counsel for the Appellant

Vs.

APFC-Delhi (N) Respondent
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

ORDER DATED :- 04/08/2022

Today the case was listed for hearing on the application filed by the Appellant to set aside the order dated 25.04.2022 passed by this Tribunal. The Proxy Counsel appearing on behalf of the Appellant asked for an adjournment on account of the sickness of the regular counsel engaged in this matter, however, he was unable to provide any formal application/medical documents in this regard. Perusal of the record shows that application for setting aside the order dated 25.04.2022 was heard on 30.05.2022 and 12.07.2022 wherein the Ld. Counsel for the Appellant/Applicant has asked some more time to file the case laws in his favour for restoration of the present appeal.

The record also shows that the present appeal was dismissed on account of non-compliance of the directions of the Hon'ble High Court as well as being barred by limitations. The Ld. Counsel for the Respondent strongly opposed the prayer for adjournment placed by the proxy counsel appearing on behalf of the Appellant/Applicant. Heard.

This Tribunal is of the view that the applicant has failed to support the prayer made in his application despite of several opportunities and no purpose shall be served if the hearing is continued on this present application. Accordingly, the application filed by the Appellant 'to set aside order dated 25.04.2022' by this Tribunal is dismissed. Send the copy of the order to both the parties. Consign the record as per rules.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/97/2019

M/s.Reliance HR Services Pvt. Appellant
Through Sh. S.K Khanna, Ld. Counsel for the Appellant

Vs.

APFC-Delhi (S) Respondent
Through Ms. Rashmi Malhotra, Ld. Counsel for the Respondent

ORDER DATED :- 04/08/2022

Arguments on the delay condonation as well as application for
grating stay on operation of the impugned order heard and concluded.
List the matter 28.09.2022 for pronouncement of order on the same.
Meanwhile, the interim orders to continue till next date of hearing.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 542(4)2014

M/s. Mother Dairy Fruit & Vegetables Pvt. Ltd.
Through Sh., Ld. Counsel for the Appellant

Appellant

Vs.

RPFC, Delhi
Through Sh., Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 04/08/2022

Although the matter was en-block adjourned for 05.12.2022 for final arguments. However, the same was mentioned by Sh. Lalit Bhasin, Ld. Counsel for the Appellant to take up the matter due to paucity of time the matter could not be taken up. List the matter on the date already fixed i.e. 05.12.2022.

Presiding Officer

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE
AVENUE, DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No. D-2/18/2022

M/s. R.B Enterprises

Appellant

VS.

CBT & EPFO Faridabad, Haryana

Respondent

ORDER DATED :-04/08/2022

Present:- Ms. Shivani Gole, Ld. Counsel for the appellant.
Shri Satpal Singh, Ld. Counsel for the Respondent.

The appeal challenges the orders dated 10/03/2022 passed by the APFC, Faridabad u/s 14B and 7Q of the EPF&MP Act communicated on 15/03/2022, wherein the appellant has been directed to deposit Rs. 19,88,297/- as damage and Rs. 11,50,741/- as interest for delayed remittance of EPF dues of it's employees for the period 01/02/2015 to 31/12/2017. A separate petition has been filed praying interim stay on execution of the impugned order.

Notice being served on the respondent, learned counsel for the respondent appeared and participated in the hearing on admission and resisted the prayer for grant of stay on the execution of the impugned order though no written objection to the petition for interim stay has been filed.

Perusal of the record and office note of the registry reveals that the impugned order was passed on 10/03/2022 and the appeal was filed on 27/05 2022 i.e within the extended period of limitation of 120 days. The office though has noted that the same is within limitation, but for the extension of 90 days after 1st March 2022 as granted by the Hon'ble SC in suo motto WPC No 3/2020, the delay is condoned. There being no other defect the appeal is admitted.

The appellant has stated that the impugned order is illegal, arbitrary and outcome of a composite proceeding, though two separate orders have been passed mechanically. This is the second round of litigation in which an ex parte order has been passed. He pointed out that for the same period, there was an inquiry held earlier and order dated 24/10/2018 was passed.

The appellant challenged the said order before this Tribunal and the matter was remanded for conduct of a fresh inquiry. But the commissioner during the second round of inquiry also denied proper opportunity to the appellant and again passed the exparte order in which he has not given any finding on mensrea or reason for imposing damaged at the highest rate prescribed under the scheme.

He pointed out that the summon as well as the subsequent notices were never served on the appellant. On seven dteshering

was conducted in virtual mode as seen from the impugned order but the appellant was never made aware of the dates of inquiry and an ex parte order was passed against the establishment. Thus it is submitted that the appellant has a strong arguable case in the appeal. Unless the impugned orders would be stayed, the relief sought in the appeal would become illusory. It is also pointed out that the orders, though have been separately passed u/s 14B and 7Q, in fact it is a composite order being passed in a common proceeding. While pointing out to the impugned order passed u/s 14 B, the learned counsel also submitted that the order itself depicts how the said order has been passed without application of mind. The appellant, thereby submitted that for the patent illegality visible in the impugned order, an interim order of stay be passed against the execution of both the orders.

In his reply the learned counsel for the respondent submitted that the impugned order has been passed imposing damage for delay in remittance which spans over more than 3 years depriving the employees of their lawful rights and the same happened for the negligence of the employer. He also submitted that any order of stay on the execution of the impugned order shall be prejudicial to the employees and defeat the purpose of the legislation. Arguing that the orders being separately passed can not be treated as composite order, he submitted that the appeal can not be admitted in respect of the 7Q order. He also relied upon the interim stay granted by the Hon'ble Division Bench of Delhi High Court, on the judgment of Gourav Enterprises, wherein it was held that two separate orders even though passed u/s 14B and 7Q of the Act would be treated as composite orders if the same are the out come of a composite proceeding. The learned counsel for the respondent thus argued that the appeal challenging the order passed u/s 7Q of the Act being not maintainable be dismissed.

As seen from the impugned orders no reason has been assigned by the commissioner for imposing damage at the highest

rate. Only factor which drove the commissioner for passing the impugned order is thereport of the EO.

On hearing the submission made by both the counsels the factors which are required to be considered for passing the order of stayare the period of default and the amount of damage levied in the impugned order. In the case of **Shri Krishna vs. Union of India reported in 1989LLR(104)(Delhi)** the Hon'ble High court of Delhi have held:-

“The order of the tribunal should say that the appellant has a prima facie strong case as is most likely to exonerate him from payment and still the tribunal insist on the deposit of the amount, it would amount to undue hardship.”

In this case the period of default as seen from the impugned order spreads over three years and the damage levied is huge. The commissioner has not assigned any reason supporting his finding.

All these aspects no doubt make out a strong arguable case for the appellant. If there would not be a stay on the execution of the impugned order passed u/s 14B of the Act, certainly that would cause undue hardship to the appellant. But at the same time it is held that the stay shall not be unconditional. Hence, it is directed that the appellant shall deposit 25 % of the assessed damage with the respondent as a pre condition for grant of stay till disposal of the appeal, within 6 weeks from the date of communication of the order, failing which there would be no stay on the impugned order passed u/s 14B. It is observed that there would not be interim stay on the execution of the order calculating interest u/s 7Q since at this stage no opinion can be formed on the composite nature of the orders passed. . Call the matter 22.09.2022 for compliance of this direction. The respondent is directed not to take any coercive action against the appellant in respect of the impugned order passed u/s 14 B of the Act till the next date when appellant shall report compliance of the direction given in this order.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.
Appeal No. D-2/19/2022**

M/s.Per Square Feet Real Estate Pvt. Ltd.
Through Sh. S.K Khanna, Ld. Counsel for the Appellant

Appellant

Vs.

RPFC-II, Gurugram
Through Sh. B.B Pradhan, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 04/08/2022

Arguments on the admission of the appeal heard and concluded. The Ld. Counsel for the Respondent submitted written submissions on behalf of the Respondent taken on record. List the matter on 11.10.2022 for pronouncement of order on the same. Meanwhile, the respondent authority is directed not to take any coercive measure for recovery of the amount as mentioned in the impugned order till next date of hearing.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/20/2022

M/s. R.B Enterprises
Through Ms. Shivani Gole, Ld. Counsel for the Appellant

Appellant

Vs.

EPFO- Faridabad, Haryana
Through Sh. Satpal Singh, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 04/08/2022

Arguments on the condonation of delay heard and concluded. List the matter on 14.09.2022 for pronouncement of order on the same.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/08/2022

M/s. Delhi Public School Ghaziabad Society
Through Sh. S.K Khanna, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Gurgaon
Through Sh. B.B Pradhan, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 04/08/2022

Today matter was listed for filing the reply by the Ld. Counsel for the Respondent who wants some more to file the reply. List the matter on 05.09.2022 for filing reply by the Ld. Counsel for the Respondent as a last chance.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/23/2020

M/s. Antony Road Transport Solutions Pvt. Ltd.
Through Sh. Raj kumar, A/R for the Appellant

Appellant

Vs.

APFC, Delhi (E)
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 04/08/2022

Reply in this matter stands filed. Copy of the same supplied to the A/R for the Appellant. List the matter on 08.09.2022 for filing rejoinder by the Appellant.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/03/2021

M/s. Precision Metal Components
Through Sh. S.K Khanna, Ld. Counsel for the Appellant

Appellant

Vs.

RPFC-Gurugram
Through Sh. S.N. Mahanta, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 04/08/2022

Pleadings in the matter are complete. List the matter on 05.12.2022
for final arguments.

(Presiding Officer)

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/17/2022

M/s.ACIL Ltd.
Through Sh. Ravinder, Ld. Counsel for the Appellant

Appellant

Vs.

RPFC-II, Gurugram,
Through Sh. B.B Pradhan, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 04/08/2022

In compliance of the order dated 03.06.2022, today the Ld. Counsel for the Appellant submitted an FDR amounting to Rs. 3,41,511/. Taken on record. The appeal stands admitted and there shall be stay on operation of the impugned order till finalization of this appeal. List the matter on 19.09.2022 for filing reply by the Ld. Counsel for the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/11/2022

M/s. OPPO Mobile India Pvt. Ltd.
Through Sh. Ranjhan Jha, Ld. Counsel for the Appellant

Appellant

Vs.

APFO-Noida
Respondent
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

ORDER DATED :- 04/08/2022

In compliance of the order dated 02.06.2022 the Ld. Counsel for the Respondent deposited an FDR amount to Rs. 79,45,528 stands deposited with this Tribunal and an amount of Rs. 1,19,18,291 stands refunded to the Appellant. Accordingly, the appeal stands admitted and there shall be stay on operation of the impugned order till finalization of the appeal. List the matter on 19.19.2022 for filing reply by the Ld. Counsel for the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.
Appeal No. D-2/13/2022**

M/s. AA Foundation for Safety. Appellant
Through Sh. S.P Arora & Sh. Rajiv Arora Ld. Counsel for the Appellant

Vs.

RPFC-Raipur (Chhattisgarh) Respondent
Through Sh. B.B Pradhan, Ld. Counsel for the Respondent

ORDER DATED :- 03/08/2022

Today the matter was taken up through mentioning by the Ld. Counsel for the Appellant who moved one application under rule 21 of the EPFAT (Procedure) rules 1997 on behalf of the Appellant praying to make necessary orders or for giving such directions to grant interim protection against coercive processes at least till 13.09.2022 and further direct the Respondent for non-execution of the recovery notices already issued. The Ld. Counsel for the Appellant submitted copies of the order issues u/s 8F of the EPF and MP Act, 1952 (12 in no.) for recovery of the amount from 14 banks accounts of the Respondent, the list of the bank account is reproduced as under.

Sr. No	Name of the Bank	Account No.	Amount of Recovery
1	IDBI Bank	0171104000185479 & 038104000026521	Rs. 2037332/-
2	Axis Bank	131010200027867	Rs. 2037332/-
3	SBI	32917841673	Rs. 2037332/-
4	Syndicate Bank	86723070001100	Rs. 2037332/-
5	HDFC Bank	00912000024861	Rs. 2037332/-
6	Syndicate Bank	90811010001385	Rs. 2037332/-
7	Bank of India	67372011000058	Rs. 2037332/-
8	Syndicate Bank	82403070002139	Rs. 2037332/-
9	Syndicate Bank	87363070003007	Rs. 2037332/-
10	Syndicate Bank	90811010004128	Rs. 2037332/-
11	Syndicate Bank	90811010000622	Rs. 2037332/-
12	Syndicate Bank	89373070001470	Rs. 2037332/-
13	State Bank of India	35260793911	Rs. 2037332/-

Accordingly, the Respondent authority is directed not to take coercive measure for recovery of the amount mentioned in the above table till 08.08.2022 when counsel for the Respondent shall obtain instruction if the attachment, pursuant to the order u/s 8 F of the Act is with reference to the order challenged in this appeal.

Presiding Officer