

**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-1/42/2021**

M/s. Sinhal Metal Industries Appellant  
Through:-Shri Naresh, A/R for the Appellant

Vs.

APFC, Delhi(N) Respondent  
Through:- Shri Avnish Singh, Ld. Counsel for the Respondent

**ORDER DATED :- 08/08/2022**

No rejoinder filed on behalf of the Appellant. Accordingly, list the matter on 06.12.2022 for final arguments in the matter.

**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 :- 08/08/2022**

The Ld. Counsel for the Respondent has sought time for filing instructions as given by the previous order. List the matter on 17.08.2022 for the same purpose.

**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-1/36/2018**

M/s. Sinhal Metal Industries  
Through:-Shri Naresh, A/Rfor the Appellant

Appellant

Vs.

APFC, Delhi(N)  
Through:- Shri Avnish Singh, Ld. Counsel for the Respondent

Respondent

**ORDER DATED :- 08/08/2022**

The A/R appearing on behalf of the Appellant asked for some time to address arguments by the regular counsel on the application filed by Respondent u/s 151 CPC for dismissing the appeal as being time barred. List the matter on 17.08.2022 for consideration of the application.

**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-1/44/2020**

M/s. Wipro Ltd.

Appellant

Through:-Sh. Deepak Bashta, Ld. Counsel for the Appellant

Vs.

APFC, Delhi(E) & other  
Respondent

Through:- Ms. Santwana, Proxy Counsel for Rajesh Kumar who is Ld. Counsel  
for the Respondent

**ORDER DATED :- 08/08/2022**

Heard the arguments on the affidavit filed by the Ld. Counsel for the Appellant regarding reporting of compliance of order dated 21.12.2020. Perused the submissions made in the note dated 08.08.2022 forwarded by the Registry of this Tribunal.

After considering all the facts, the Ld. Counsel for the Appellant is directed to deposit whole amount of Rs. 5,22,00,000/- + the interest accrued till date in the form of FDR in favour of Registrar CGIT with the Registry of this Tribunal on or before next date of hearing i.e. 23.08.2022.

Further, the prayer of the Appellant to grant more time to file the rejoinder is allowed. Let the rejoinder be also filed on the next date.

**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-2/22/2022**

M/s. Jaypee Healthcare Limited

Appellant

VS.

RPFC, Noida

Respondent

**ORDER DATED :-08/08/2022**

Present:- Shri S.K Gupta, Ld. A/R for the appellant.

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

This order deals with the admission of the appeal, and a separate petitions filed by the appellant praying waiver of the condition prescribed u/s 7 O of the Act directing deposit of 75% of the assessed amount as a pre condition for filing the appeal, and for an interim order of stay on the execution of the impugned order pending disposal of the appeal, for the reasons stated in the petitions.

Copy being served on the respondent, learned counsel for the Respondent Shri S N Mahanta appeared and participated in the hearing for admission of the appeal. Perusal of the record reveals that the impugned order u/s 7 A of EPF &MP Act was passed by the commissioner on 24/12/2021 and being aggrieved the establishment had filed review u/s 7B which was disposed of on

06/05/2022 and the appeal was filed on 22/06/2022. By order dated 4/7/2022 it has been held that the appeal is in time.

The other petition filed by the appellant and argued is for waiver/reduction of the pre deposit amount contemplated u/s 7 –O of the Act. The learned counsel for the appellant submitted that the impugned order has been passed by the commissioner without considering the written reply submitted to the show cause notice and the submission made therein and solely basing on the report of the E O. a copy of the written reply has been placed on record which contains the official seal of the respondent dated 14/12/2021 affixed on it acknowledging receipt of the same by the respondent. The appellant argued that being called by the commissioner, though all the available documents were produced and the establishment had extended all necessary co-operation, the commissioner without going through the details passed the order. He also submitted that the inquiry was conducted and concluded on the basis of the EO Report only who having no power of assessment in this case made the assessment which was accepted by the commissioner in toto. Appellant has placed reliance in the case of **ESIC Jaipur vs. Bharat Motors, Sri Ganga Nagar** decided by the Hon'ble High Court of Rajasthan to argue that the EO has no power except to inspect the records and cannot make the assessment as he has done in this case. The other argument advanced is that the EO never testified in the proceeding which in turn denied the appellant of the opportunity of cross examining him. With this he argued that the establishment has a strong case to argue and fair chance of success. With regard to the prayer for waiver of the condition of pre deposit laid down u/s 7O, it is submitted that the establishment is going through a tough financial crisis and now before the NCLT Allahabad. A document to that effect has been placed on record. Thus on behalf of the appellant argument was advanced for waiver of the pre condition of deposit for admission of the appeal.

In reply the learned counsel for the respondent, while supporting the impugned order as a reasoned order pointed out the very purpose of the Beneficial legislation and insisted for compliance of the provisions of sec 7-O by depositing 75% of the assessed amount. His further submission is that the argument advanced on the merit of the appeal cannot be considered now as the Respondent has not filed the reply. No convincing circumstances have been set out for total waiver of the condition of pre deposit. He also disputed the stand of the appellant that the company is now before the NCLT Allahabad. But the document which is the daily proceeding sheet of the NCLT placed on record shows that the appellant is before the NCLT as a corporate debtor. However there is no material on record to believe that the RP has been appointed.

Considering the submission advanced by the counsel for both the parties an order need to be passed on the compliance/waiver of the conditions laid under the provisions of sec 7-O of the Act. There is no dispute on the facts that the commissioner had made the inquiry on the basis of the EO Report but no opportunity was given to the establishment to cross examine the EO. The appellant has pleaded that the EO made a report recommending initiation of inquiry u/s 7A alleging that the appellant establishment has intentionally omitted remittance for the employee in respect of the allowances paid uniformly to all the employees. The learned counsel for the respondent thus argued that the report of the EO or calculation made by him cannot be faulted as it is not a case of unidentified beneficiaries.

On hearing the argument and without going to the other detail pointed out by the appellant challenging the order as arbitrary and at this stage of admission, without making a roving inquiry on the merits of the appeal, it is felt proper to observe that the appellant has a strong arguable case in this appeal. But by considering the period of default, the amount assessed, it is felt that

the circumstances do not justify total waiver of the condition of pre deposit. But the ends of justice would be met by reducing the amount of the said pre deposit from 75% to 40%. Accordingly the appellant is directed to deposit 40% of the assessed amount within 6 weeks from the date of this order towards compliance of the provisions of sec 7-O of the Act by way FDR in the name of the Registrar CGIT, initially for one year with provision for auto renewal. On compliance of the above said direction, the appeal shall be admitted and there would be stay on execution of the impugned order till disposal of the appeal. List the matter on 26.09.2022 for compliance of the direction failing which the appeal shall stand dismissed. Both parties be informed accordingly.

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-2/04/2021**

M/s. RR Enterprises  
Through:-Sh. R. Dhawan, A/R for the Appellant

Appellant

Vs.

RPFC/APFC, Gurugram  
Respondent

Through:- Sh. Chakradhar Panda, Ld. Counsel for the Respondent

**ORDER DATED :- 08/08/2022**

Rejoinder on behalf of the Appellant filed. Taken on record. Copy of the same stands supplied to the Ld. Counsel for the Respondent. The A/R appearing on behalf of the Appellant requested for a short date for final arguments. Allowed. List the matter on 25.08.2022 for final arguments.

**Presiding Officer**