

BEFORE THE CGIT-CUM-LABOUR COURT, GUWAHATI.

Present: Justice A.K.Mukherjee (Retd.),
Presiding Officer/Link Officer,
CGIT-cum-Labour Court, Guwahati.

E.P.F. (A) No. 02/2022.

The Meghalaya Government Construction Corporation Ltd.

.....Appellant.

-vs-

The Additional Central Provident Fund Commissioner, Guwahati and
RPFC, Shillong.Respondents.

12.12.2022. Mr. S.D.Upadhaya learned counsel for the appellant and Miss P.Bhattacharjee, learned counsel for the Respondents are present. Instant appeal has been filed by the Appellant under Section 7-I of the EPF and MP Act, 1952 assailing order dated 26.08.2022 u/s 14B for damage of Rs.46,37,274/- and u/s 7Q for interest of Rs.15,70,434/- on account of delayed remittance of Provident Fund amount.

The appeal has been filed on 20.10.2022 i.e. within the statutory period and requisite fees of Rs.2,000/- has been deposited in favour of Registrar, CGIT through demand draft. It appears that Rule 4 of EPF Appeal Tribunal (Procedure) Rules 1997 has been complied. Seen the scrutiny report submitted by the Registrar. Considered. Perused the order dated 31.10.2022 passed by Hon'ble High Court, Meghalaya at Shillong in WP(C) No.445 of 2022 to the effect that no coercive action be taken against the Writ Petitioner until the Central Government Industrial Tribunal, Guwahati takes up the matter for admission.

Let the Appeal be admitted.

On perusal of the memo of Appeal it appears that the Additional Central Provident Fund Commissioner, North Eastern Region has been impleaded as party.

Heard learned Counsels for the parties. It is submitted by Ms P. Bhattacharjee that the appellant has impleaded Additional Central Provident Fund Commissioner, North Eastern Region, Guwahati who is not a necessary party and should be struck off. Learned Counsel for the appellant admitted the same and sought for

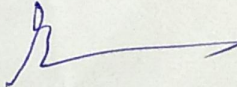
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amendment of the cause title of the Memo of appeal by striking off. Respondent No.1 and transposing Respondent No.2 as the sole Respondent. Copy of appeal (Paper Book) is also served. Respondent is granted leave to file their reply. Considered the submissions.

In view of Notification No.LC-8(4)2010/EPFAT/WB/33640 Dated 18.12.2015 of Employees' Provident Fund Organisation, Respondent No.1 is not a necessary party and under Order I.Rule 10(2) CPC. Respondent No.1 is struck off from the Memo of appeal and Respondent No.2 is transposed as the sole Respondent. The memo of appeal is amended accordingly. A fresh copy of memo of appeal be filed transposing Respondent No.2 as the sole Respondent. r

Appellant prayed for interim protection. Provision under Rule 7 of EPF Appellate Tribunal (procedure) Rules 1997 and the ratio of the decision of Hon'ble Delhi High Court passed in the M/S Shivalik House Keeping Services--vs--Regional Provident Fund Commissioner: 2016 LLR 133 (Delhi High Court) provides that pre deposit u/s 70 of EPF and MP Act, 1952 is not insisted upon at such stage. Therefore, no coercive step be taken against the Appellant in the mean time in respect of the claims made against them.

To 19-01-2023 for filing reply, if any and hearing of appeal.


PO/LO

Presiding Officer/Link Officer,
CGIT-Cum-Labour Court, Guwahati