

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
GUWAHATI, ASSAM.

Present: - Smt. Indira Barman, M.A., LL.B.,
Presiding Officer,
CGIT-Cum-Labour Court, Guwahati.

Appeal U/S 7-I of the Employees' Provident Fund &
Miscellaneous Provisions Act, 1952.

E.P.F. A. No. 03/2026.

M/s Akash Construction, Block No.16, K.B. Road, Rowriah, P.O.- Jorhat,
P.S.- Jorhat, Dist.- Jorhat, Assam, Pin-785005.Appellant.

-Vrs-

The Regional Provident Fund Commissioner-II (PD), Employees
Provident Fund Organization, Jorhat District Office, Jorhat, Assam.
.....OP/Respondent.

REPRESENTATIVE:

For the Appellant.....Mr. A.K. Sahewalla, learned Advocate
Mr. Wishes Sharma, learned Advocate.
Mr. Subhrajyoti Gogoi, learned Advocate.

04-06-2026

The Appellant is appeared through Mr. A.K. Sahewalla, Learned Advocate assisted by Mr. Wishes Sharma and Subhrajyoti Gogoi, Learned Advocates.

The Appeal has preferred by the authorised representative Sri Kamal Jain, the Managing Partner of M/S Akash Construction, Jorhat U/S 7-I of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952. Memo of Appeal has been presented in triplicate on 27-05-2026 along with a Bank Draft No. 864452 dated 19-05-2026 of ₹ 2,000/- in favour of the Registrar, CGIT. It appears that Rule 4 of EPF Appeal Tribunal (Procedure) Rules 1997 has been complied.

Seen the scrutiny report submitted by the Registrar and perused the record. It appears to me that the Appeal has been preferred against the orders No.NE/TSK/0002647/000/Enf 105 105/Damages/613 dated 24-03-2026 passed by the Regional Provident Fund Commissioner-II (PD), District office, Jorhat, Assam against the appellant in respect of penal damages levied under section 14-B of ₹ 2,27,076/- and interest levied under section 7-Q of ₹ 1,14,717/- totalling ₹ 3,41,793/-, of the Employees Provident Fund and Misc. Provisions Act, 1952, within 15 days of the receipt of the said order. It was further mentioned in the said order that in the event of

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failure of remittance of the above dues within 15 days coercive recovery actions as provided under Section 8 B to 8 G of the Act shall be initiated without further notice.

Heard learned Counsel for the Appellant.

Learned counsel for the appellant submitted that after receipt of the impugned order dated 24-03-2026, the appellant has filed Writ Petition being W.P. (C)/2500/2026 before the Hon'ble Gauhati High Court, Guwahati challenging the above order passed by the Regional Provident Fund Commissioner-II (PD), District office, Jorhat. The Hon'ble High Court vide order dated 15-05-2026 dismissed the Writ Petition directing to the appellant to approach this Tribunal. Accordingly, this Appeal has been preferred.


Learned Counsel for the appellant prayed for admitting the appeal and to set-aside the impugned order dated 24-03-2026 passed by the RPFC-II(PD), District Office, Jorhat. The respondent passed the order dated 24-03-2026 under Section 14B of the Employees Provident Fund and Misc. Provisions Act, 1952 levying damages of ₹ 2,27,076/- and under Section 7Q imposing interest of ₹ 1,14,717/- totalling ₹ 3,41,793/- of the said Act. Learned counsel for the appellant further stated that EPFO's e-filing was newly introduced in the year 2012 and due to introduction of new electronic system, undisputedly numerous problems faced by the employers on ECR system and there were mistakes/errors in filing of the online challans as due to lack of acquaintances with the newly introduced online system and the payments have been made in time and only the year has been indicated wrongly, which is a Bonafide mistake, while filling up the form the year was wrongly mentioned as 03/2011 instead of 03/2012 and there was no provision for manual correction of the year.

Further, the learned counsel for the Appellant also prayed for stay the operation of the impugned order dated 24-03-2026 and not to take any coercive action against the appellant till disposal of this Appeal.

Heard the submission of the learned advocate for the Appellant. Admit the Appeal. In the meantime, no coercive action shall be taken by the Respondent against the Appellant. The order dated 24-03-2026 is hereby stayed till disposal of the Appeal.

A copy of the order be communicated to the Respondent. Appellant is directed to take steps within 3 days.

Fix 29-06-2026 for filing reply of Appeal, if any by the Respondent.


(Indira Barman),
Presiding Officer,
CGIT-Cum-Labour Court, Guwahati.