

ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

CASE NO. CGIT/LC/EPFA/01/2021
M/s Bansal Construction Works Pvt. Ltd. Bhopal Vs. RPFC Bhopal

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
15-1-2021	<p>Parties through their counsel. Heard learned counsel for the parties Appeal is admitted for hearing only with respect to Order under Section 14-B of the Act. The appellant shall be at liberty to perceive alternate remedy with respect to order under Section 7-Q.</p> <p>Copy of Memo of Appeal, I.A. and documents have already been served to learned standing counsel for respondent.</p> <p>The learned counsel for the appellant pressed his I.A. for stay and recovery. Heard and perused the record. The application is supported with the affidavit . It has been submitted that till the final verdict in appeal comes out recovery of order under appeal will frustrate the appeal. Hence the stay on recovery will be justified in law.</p> <p>Learned counsel for the respondent has vehemently opposed the application regarding that the act is a beneficial legislation and that there is no ground sufficient for stay of recovery.</p> <p>Undoubtedly, grant of stay is a discretionary relief and it is to be given according to the facts of each case. Tribunal is bound to see that purpose of enactment of</p>	

‘Act’ and rules should not be frustrated. The Tribunal is also of the considered view that when order passed by Government agency then order of Government agency should not be stayed frequently, until and unless some malafide intention in passing of such order proved on case file. The argument by counsel for respondent that in case a blanket stay is granted in favor of appellant then in that eventuality it shall be highly impossible and difficult for respondent to get such huge amount recovered from appellant in future appears not without substance. Undisputedly, the Tribunal is empowered to pass stay order if it is prayed on behalf of appellant subject to any reasonable condition before passing such stay order so that appellant who is getting stay order may not misuse the order of Tribunal and he should not be set free for not following the provisions of the Act.

Now coming to the facts of case at hand, keeping in view the conduct of the appellant as mentioned above, it does not seem just and proper in the interest of justice to grant a blanket stay on recovery rather it appears to grant stay on certain conditions. Accordingly, the recovery in compliance of order under Section 14 B of the ‘Act’ which is under appeal shall remain stayed till disposal of appeal subject to the condition of depositing 40% of the amount (within 30 days from the date of order) with RPFC and filing an undertaking by duly authorized representative regarding payment of remaining or any other amount which the Tribunal directs.

Respondents to counter within 30 days from today with documents after serving a copy thereof to learned counsel for the appellant. Rejoinder if any, within 15 days thereafter.

List on 9-4-2021 for final arguments.

PRESIDING OFFICER