

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL**  
**CUM LABOUR COURT/EPF APPELLATE TRIBUNAL,**  
**JABALPUR**

**NO. CGIT/LC/EPFA-160/2017**

**PRESENT: P.K.SRIVASTAVA**  
**H.J.S.(Retd.)**

**H.C.Bansal**

**APPELLANT**

**Versus**

**Assistant Provident Fund Commuissioner,**  
**Indore**

**RESPONDENT**

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**None Present** : **Learned Counsel for Appellant.**

**Shri J.K.Pillai** : **Learned Counsel for Respondent.**

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**(J U D G M E N T)**

**(Passed on this 15<sup>th</sup> day of September-2021)**

1. The present appeal is directed against the order dated 30-9-2015 passed by Respondent Authority under Section 7Q of the Employees Provident Fund & Misc. Provisions Act,1952(hereinafter referred to by the word 'Act'). The copy of the impugned order is Annexure A-1 to Memo of Appeal.
2. Notices were sent to the respondent. Both the sides have exchanged their pleadings.

3. Today when the matter was taken up for hearing , none was present from the side of appellant, inspite of service. The Respondent is represented by learned Counsel Shri J.K.Pillai. Since the appeal is quite an old one, hence instead of dismissing the appeal in default, I proceed to decide the appeal on merits. I have heard the arguments of Shri J.K.Pillai, learned counsel for the respondent and have perused the record as well.
4. As it is apparent from the perusal of Memo of Appeal that the order against which the present appeal has been filed has been passed by the Respondent Authority under Section 7Q of the Act, which is being reproduced as follows:-

**7Q. Interest payable by the employer.- The employer shall be liable to pay simple interest at the rate of twelve per cent per annum or at such higher rate as may be specified in the Scheme on any amount due from him under this Act from the date on which the amount has become so due till the date of its actual payment:**

**Provided that higher rate of interest specified in the Scheme shall not exceed the lending rate of interest charged by any scheduled bank.]**

5. Under Section 7-I of the Act, the appeal can be filed by the aggrieved party before this Tribunal. Section 7-I of the Act is being reproduced as below:-

**7I. Appeals to Tribunal.- (1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to Sub-section (3), or sub-section (4), of section 1, or section 3, or sub-section (1) of section 7-A, or section 7-B [except an order rejecting an application for review referred to in sub- section(5) thereof], or section 7-C, or section 14-B, may prefer an appeal to a Tribunal against such notification or order.**

**(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.]**

6. As Section 7-I of the Act reads, there is no provision for appeal against order under Section 7Q. Needless to say, order under Section 7Q is a consequential order passed in consequence to order under Section 7A of the Act, holding an employer liable to pay employees provident fund dues.
7. Since the Act does not provide for appeal against Order under Section 7Q of the Act, there is substance in the preliminary objection raised by the learned counsel for Respondent regarding the maintainability of this appeal.
8. Hence, in the light of above discussion the appeal is held not maintainable and is liable to be disposed of accordingly.

**ORDER**

**Appeal stands dismissed as not maintainable.**

**No order as to costs.**

**(P.K.SRIVASTAVA)**

**PRESIDING OFFICER**

**JUDGMENT SIGNED , DATED AND PRONOUNCED.**

**(P.K.SRIVASTAVA)**

**PRESIDING OFFICER**

**Date:15/9/2021**