

11/11/2020

APPEAL NO. CGIT-1/EPFA 17 OF 2020

The present appeal is filed by the appellant under section 7-I of the EPF & MP Act, 1952 (hereinafter referred to as 'Act') against the order dated 18.12.2019 passed by the Assistant Provident Fund Commissioner, the Respondent under section 14B of the Act.

An application for waiver of deposit under proviso to section 7-O of the EPF and MP Act, 1952 has also been filed by the Appellant.

An application for condonation of delay has also been filed by the Appellant.

The matter was held through video conferencing.

Mr.H.L.Chheda , Representative present for the Appellant.

Mr. ^{Ravi Ratheesar} , Adv. Present for the Respondent.

At the time of hearing, learned counsel for the appellant stated that it was specifically submitted before the respondent that the amount of damages proposed on the contributions which were not at all remitted by the appellant and also written submissions were neither discussed nor any reasons are recorded in the impugned order. It was further argued by the Appellant that an average Rs.8000/- p.m. contributions were remitted every month for the period under consideration. However, the Respondent for the month of 06/2006 two payments of 270100/- and Rs.696500/- levied the damages even though said payments were never remitted by the Appellant. It was further argued that the impugned order is non speaking order and hence prayed for admitting the appeal without any amount to be deposited.

Learned counsel for the respondent stated that he wants to get instructions about the information which has been sent on 16.8.2019 which is marked as Annexure A-4



In this appeal. He also fairly stated that if that application has been received by the department it ought to have been considered by the Enquiry Officer but at this stage learned counsel for the respondent sought adjournment to file reply over the miscellaneous interim application as well as of the Waiver and Appeal applications.

On the submissions made by the learned counsel for the Respondent and Appellant and on the request made by the Respondent matter may be adjourned to 28.01.2021 for filing reply and it is also directed that till then no coercive action shall be taken against appellant.

It is also directed that a copy of the reply may be sent to the appellant before date of next hearing i.e. 28.01.2021.




(JUSTICE R.N. KAKKAR)

PRESIDING OFFICER