

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-2, MUMBAI**

APPEAL NO. CGIT- 2 / EPFA /77/2024

M/s. Sandip Foundations. - Appellant

V/s.

The Assistant Provident Fund Commissioner,
EPFO, Nashik. - Respondent

ORDER BELOW EX- 8
(Delivered on 02-09-2024)

Read application filed by the appellant. Perused the say given on behalf of the opponent.

Heard the parties.

It reveals that, the applicant-appellant has challenged the legality of order dated 28.03.2024 in respect of damages in the present appeal, which was filed on 04.06.2024 and during pendency of the appeal, the opponent by notice dated 07.06.224 u/s. 8-F of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 and directed to the Bank manager for recovery of Rs. 44,61,629/- and accordingly recover the amount of Rs. 20,32,000/- and Rs. 9,591.04/-.

In fact, there is delay in filing this appeal and application for condonation of delay and for stay to the order under appeal both are pending and the recovery seems to be initiated immediately after completion of 60 days. True, it is

that, the appellant has every right to challenge the order before the appropriate forum but it does not mean that, the Authority should wait and not to recover the amount even after completion of appeal period therefore I do not think that, there is any fault on the part of the Authority in issuing recovery notice.

However, considering the various points raised in the appeal alongwith the fact that, the order is in respect of damages in which there is no compulsion to pre-deposit any amount at the time of filing appeal as well as pendency of stay application, it will be just to direct the opponent to keep 50% amount with them and refund the remaining 50% amount to the concerned Bank and keep that 50% amount till the decision of the stay application.

In the result, The opponent is directed to keep 50% amount with them till the disposal of stay application and remaining 50% amount be returned to the concerned Bank within two weeks from the date of this order.

Date: 02-09-2024

Sd/-
(Shrikant K. Deshpande)
Presiding Officer
CGIT -2, Mumbai