

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

APPEAL NO. CGIT- 2 / EPFA /84/2024

M/s. Sandip University.

- Appellant

V/s.

The Regional Provident Fund Commissioner-I,

EPFO, Nashik.

- Respondent

ORDER BELOW EX- 7
(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 07.03.2024 in respect of damages and interest in the present appeal, which was filed on 12.06.2024 and during pendency of the appeal, the opponent issued notice dated 03.06.2024 u/s. 8-F of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and directed to the Bank manager for recovery of Rs. 06,03,897/- i.e., Rs. 03,60,366/- towards damages and Rs. 02,43,531/- towards interest and accordingly the Bank manager issued Demand Draft of Rs. 06,03,897/- and Rs. 783.52/-.

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 the amount of interest i.e., Rs. 2,43,531/- with them and refund the remaining amount of Rs. 03,60,366/- to the concerned Bank and keep the amount of interest with them in the decision of stay application.

In the result, The opponent is directed to keep the amount of interest i.e., Rs. 2,43,531/- with them till the disposal of the stay application and remaining amount of damages i.e., Rs. 03,60,366/- 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