


ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)
CASE NO. CGIT/LC/EPFA/10/2022
M/S Kimirica Amenities (LLP), Indore
V/S RPFC, Indore

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
03-03-2022	<p>Matter taken up.</p> <p>Shri Uttam Maheshwari, learned Counsel for the appellant. Shri J.K.Pillai, learned counsel for the respondent.</p> <p>Perused the report of the Registry.</p> <p>The impugned order is passed on 19-01-2022 and the appeal has been filed on 21-2-2022, hence within limitation</p> <p>The learned counsel for appellant pressed his application under Section 7(O) of the Act and his I.A. for stay on recovery during pendency of appeal which is supported with an affidavit.</p> <p>The Respondent side has filed reply to I.A's with affidavit, taken on record.</p> <p>I have heard learned counsel from both the sides on an application under Section 7-0 of the Act and I.A. I have gone through the record as well.</p> <p>The main grounds taken for waiver from deposit of 75% of amount under Appeal in application under Section 7:0 is mainly first on merits and secondly on the basis of financial inability on the part of the Appellant Establishment to deposit 75% of the amount under appeal.</p> <p>Countering the argument, the learned counsel for the Respondent has submitted that the merits of the appeal cannot be gone into at the stage of entertaining the appeal for hearing, rather it will be seen when the appeal is heard on merits because his submission is that there is nothing on record to show that the appellant is facing financial crunch and is not in a position to deposit 75% of the amount under</p>	



appeal. He further submits that the appellant could show it by producing its balance sheet or other documents relating to its which is not done in this case. Accordingly, learned counsel for the Respondent has submitted that the appellant establishment in this case does not deserve any waiver of amount under Section 7-O of the Act.

I have perused the record in the light of the rival arguments and I am of the view that the learned counsel for the appellant has been successful in raising some points to be considered regarding the merits of the impugned order, hence it can be said that he has prima facie case at this stage in his favour. It is undisputed that the merits of the appeal cannot be looked into at this stage of admission as has been submitted by learned counsel for the Respondent. As regards the financial crunch submitted by learned counsel for the appellant establishment, keeping in view that the appellant has been regularly depositing the employment provident fund dues, I am of the considered view that interest of justice will be served if the appellant establishment deposits only 40% of the amount under appeal in favour of **Registrar CGIT (Payable at Jabalpur)** within 30 days from today.

The appeal may be entertained for hearing. Hence order accordingly. On compliance of this condition, in time, there shall be a stay on recovery of any amount under this appeal.

Respondents to counter within 4 weeks from today with documents after serving a copy thereof to learned counsel for the appellant. Rejoinder if any, within 2 weeks thereafter.

List the case for argument on 29-04-2022


PRESIDING OFFICER