

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

**NO. CGIT/LC/EPFA-12-2022**

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

**M/s Ayushman Medical Diagonistice Pvt. Ltd.**  
**Shahpura, Bhopal**

**APPELLANT**

**Versus**

**The Regional Provident Fund Commissioner**  
**Bhopal.**

**RESPONDENT**

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**Shri Pranay Choubey** : **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 29-3-2022 )**

1. The present appeal has been filed against two separate orders of the Respondent Authority passed under Section 14-B and 7Q of the Employees Provident Fund And Misc. Provisions Act,1952, herein after referred to the word Act". The impugned order was passed on 20-11-2018 whereas the appeal has been filed on 11-3-2022. The appellatant has filed an application for condonation of delay. The learned counsel for respondent has preferred a written objection with reference to maintainability of appeal relating to order Under Section 7Q of the Act.

2. I have heard, Advocate Shri Pranay Choubey, and Shri J,K,Pillai, Advocate on application for condonation of delay and maintainability of appeal under Section 7Q of the Act.



3. On perusal of record , an order of Hon'ble High Court of M.P. passed in W.P.No.28933/2018 on 22-2-2022 has been perused. IN the light of said order, the delay is liable to be condoned and is condoned accordingly.
4. As regards, the maintainability of present appeal under Section 7Q of the Act, the main ground of learned counsel for the appellant is that since one and same notice in both the section was issued by the Respondent Authority and proceedings were also jointly conducted and hence merely because two separate orders have been passed , one under Section 14-B of the Act and the other under Section 7Q of the Act, the impugned orders will not cease to be composite order and hence, the appeal will be maintainable against the order under Section 7Q of the Act also.
5. Learned Counsel for the appellant has referred to a judgment of Single Bench of Hon'ble High court of Delhi passed in the case of **Gaurav Enterprises Vs. Union of India & Others** W.P.(c) )No.8485/2021 wherein it has been laid down that when the proceedings arise out of one notice and proceedings are done in a composite manner, hence order Under Section 7Q also be deemed as a composite order, though passed separately and appeal shall be maintainable against such an order.
6. Just the opposite is the view of Single Bench of Hon'ble High Court of Madhya Pradesh passed in W.P.No.28798/2019 referred to by learned counsel for the Respondent, wherein it has been laid down that in such a case order under Section 7Q will not be composite order. Thus there are two different view of Hon'ble the Single Bench of two Hon'ble High Court but since this Tribunal is under the territorial writ jurisdiction of Hon'ble High Court of Madhya Pradesh, hence the law laid down by Hon'ble High Court of M.P. in this respect will bind the Tribunal.

7. Accordingly, the order under Section 7Q of the Act is held <sup>not</sup> appealable before this Tribunal. Appeal so far as it relates to order under Section 7Q of the Act, is not entertained and it shall be only be restricted to order under Section 14B of the Act. The Appellant is at liberty to seek remedy before the appropriate forum with respect to Order under Section 7Q of the Act.

8. Respondents to counter within 30 days from today with documents after serving a copy thereof to learned counsel for the appellant. Rejoinder if any, within 15 days thereafter.

*List on 8-6-22 for argument.*

9. Since there is a stay on recovery passed by Hon'ble High Court on condition of deposit of 40% of the amount under appeal, which has been complied with already, the stay on recovery shall continue till final disposal of the appeal.



*P.K. Srivastava*  
(P.K.SRIVASTAVA)

PRESIDING OFFICER

Date:29-3-2022