

D-1/71/2024

M/s MI2C Security and Facilities Pvt. Ltd. vs. APFC/RPFC Delhi North

Present: Sh. S.K Gupta, Ld. Counsel for the Appellant.
Sh. Tejasvi Goel, Ld. Counsel for the Respondent.

Order: 30.05.2025

1. Counsel for the Appellant has pressed his prayer for interim relief, stating that till the final disposal of the appeal, impugned order passed **U/s 14B & 7Q of the EPF & MP Act, 1952 (hereinafter referred as an "Act")** Kept in abeyance and respondent be directed not to take any coercive action.
2. He submitted that appellant was not given any effective reasonable opportunity of representing its case before the respondent which is mandatory under the Section 14-B of the Act. Impugned order is contrary to the statute, apart from being unconstitutional.
3. Respondent has been functioning in "Dual-Capacity" as prosecutor as well as Judge which is against the principles of natural justice. There is a misuse of Jurisdiction, Power and Authority on the part of respondent. He had also referred to the different orders passed by the Ld. RPFC during the course of proceedings.
4. On the other hand, counsel for the respondent has opposed the prayer, stating that the appeal against the order passed U/s 7-Q cannot be entertained since there is no provision of filing of the appeal.
5. So far so, the question of stay of the operation of order U/s 14-B is concerned. Respondent had stated that, though, there is no provision prescribed in the Act that before entertaining any appeal an amount has to be deposited, however, it has been left upon the discretion of the Tribunal. He submitted that conditional order should be passed.
6. During the course of argument, Ld. Counsel for the Appellant is agreed to deposit the amount assessed U/s 7-Q, however, he submitted that his

appeal on merit be heard even against the order passed U/s 7-Q. He submitted that there is no authority prescribed U/s 7-Q to levy the interest.

7. Considering the above said submission, operation of the impugned order U/s 14-B is stayed, subject to the condition that appellant shall deposit an amount assessed in the order passed U/s 7-Q of the Act within six weeks i.e. 15.07.2025. After verifying the said deposit, respondent shall file the reply of the main appeal. Put up for 08.08.2025.

Sd/-
Atul Kumar Garg
(Presiding Officer)

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Order: 04.06.2025

Today, registry has pointed out that this Tribunal has not mentioned, where the amount has to be deposited by the appellant. Let it be made clear that the appellant is directed to deposit the amount with the respondent authority as mentioned in order dated 30.05.2025.

Sd/-
Atul Kumar Garg
(Presiding Officer)