

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

Date: 14.10.2022

M/S Gufic Bio-Sciences Limited, Mumbai.

.... Appellant

Versus

Regional Provident Fund Commissioner, Mumbai.

.... Respondent

Present: Mr. Hiren L. Chheda, Advocate for the appellant.

Ms Kashmira P. Vashi Sawant Advocate for the respondent.

ORDER

The present appeal under Section 7-I of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, [herein after referred to as 'the Act'] was registered on 23.08.2022 and the same is now fixed for hearing on 14.11.2022.

An application for taking up the matter on today's board has been filed by the appellant. The learned counsel for the respondent has also appeared and she has no objection to the same.

In view of the above, the next date is pre-poned to today and the matter is taken up on board.

The present appeal has been filed by the appellant under Section 7-I of the Act against the order dated 08.07.2022 passed by the respondent under Sections 14B & 7Q of the Act.

Along with the appeal, the appellant has also filed an application for stay of the impugned order till the disposal of the appeal.

CGIT-2/ EPFA/67 OF 2022

After filing of the present appeal, bank account of the appellant has also been frozen by the respondent under Section 8F of the Act vide order dated 15.09.2022.

A prayer has been made by the learned counsel for the appellant for stay of the order under Section 14B of the Act and he states that the appellant shall deposit the assessed amount under Section 7Q of the Act within a week's time.

The learned counsel for the respondent has stated that the appeal may be admitted subject to payment of the amount under Section 7Q of the Act.

It is so far well settled that requirement of pre-deposit under Section 7-O of the Act does not apply to Sections 14B and 7Q of the Act and it was so held in M/s. Old Village Industries Ltd. V/s. APFC, EPFO & another – 2005 LLR 552.

After hearing the learned counsel and going through the impugned order, I deem it necessary to impose condition while granting stay of the impugned order.

It is directed that the appellant shall deposit the entire amount as assessed under Section 7Q of the Act within one week from today and there shall be no stay qua the same.

However, the appellant is directed to deposit 10% of the assessed amount under Section 14B of the Act within 10 days from today.

CGIT-2/ EPFA/67 OF 2022

On compliance of the aforesaid, operation of the impugned order qua the remaining assessed amount under Section 14B of the Act shall remain stayed.

Hence, I pass the following order:

- **The appeal is admitted.**
- **The appellant is directed to deposit 10% of the assessed amount under Section 14B of the Act with the respondent within 10 days from the date of this order. On deposit of the said 10%, the impugned order under Section 14B of the Act qua the remaining amount shall remain stayed.**
- **This stay is being granted with the condition that the appellant shall deposit the entire assessed amount under Section 7Q of the Act within a week from today, failing which, this stay order shall stand vacated automatically.**
- **The respondent is directed to de-freeze the appellant's bank account.**
- **The respondent is also directed not to take coercive steps till further orders.**

Now to come up on 14.11.2022, the date already fixed.

October 14, 2022

**(LAXMI NARAIN JINDAL)
Presiding Officer
CGIT -2, Mumbai**