

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

Date: 18.10.2022

M/S Holcim Services (South Asia) Ltd., Mumbai. Appellant

Versus

Regional Provident Fund Commissioner, Thane. Respondent

Present: Mr. Hiren L. Chheda, A/R for the appellant.

Mr Sunil Surana, Advocate for the respondent.

ORDER

Heard on the application dated 23.03.2021 filed by the respondent for vacation of the interim stay order dated 22.08.2019 passed by the learned predecessor of this Tribunal.

As per the said order, impugned order dated 28.06.2019 was stayed and the respondent was directed not to take coercive steps till further orders.

By way of the present application dated 23.03.2021, the respondent seeks quashing / setting aside of the said order.

The sole contention of the learned counsel for the respondent is that in view of the order dated 15.10.2020 passed by the Hon'ble Supreme Court in Misc. Application No. 1577 of 2020 In Criminal Appeal Nos. 1375-1376 of 2013 titled as Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. Versus CBI, the stay order dated 22.08.2019 granted by this Tribunal stands vacated automatically on expiry of six months of the passing thereof moroso when, the same has not been extended specifically by giving reasons.

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On the other hand, learned counsel for the appellant resists the said contention by submitting that the said order of the Hon'ble Supreme Court applies to the pending cases where stay against proceedings of civil or criminal trial is operating.

After hearing both the sides, I am of the considered opinion that the contention of the learned counsel for the respondent is devoid of any merit. The Hon'ble Supreme Court in Asian Resurfacing's case was pleased to direct that in all pending cases where stay against proceedings of civil or criminal trial is operating, the same will come to an end on expiry of six months unless in an exceptional case by a speaking order, such stay is extended. Further, in Misc. Application No. 706 of 2022 in Misc. Application No. 1577 of 2020 In Criminal Appeal Nos. 1375-1376 of 2013, reported as 2022 Live Law (Supreme Court) 440, the Hon'ble Supreme Court was pleased to clarify the aforesaid fact.

Thus, in the present case, the said order of the Hon'ble Supreme Court is not applicable.

For the reasons recorded above, the application in question is dismissed.

Notes of arguments have been filed on behalf of the respondent.

To come on 30.01.2023 for arguments on the application under Section 7-O of the EPF & MP Act, 1952.

October 18, 2022

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