

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI-1; ROOM NO 208,
ROUSE AVENUE DISTRICT COURT COMPLEX, NEW DELHI-110002.**

APPEAL NO. D-2/10/2020

M/s. Navigant Technologies Pvt. Ltd. Appellant

Through:- Shri S.K. Khanna, Ld. Counsel for the Appellant.

Vs.

APFC Gurgaon Respondent

Through:- Shri B.B. Pradhan, Ld. Counsel for the Respondent

Hearing conducted through video conferencing

ORDER DATED 23.10.2020

The matter came up today for hearing of the petition filed by the appellant praying modification of the order dated 09.09.2020 and allow the appellant to deposit 11,12,305 / instead of 30% of the assessed amount as a precondition for admission instead of 30% as directed for reasons indicated in the petition.

Learned counsel for the respondent being given notice of the hearing participated. Mr. Khanna, the learned counsel representing the appellant submitted that during the course of 7A inquiry the establishment had deposited Rs.3,37,695/- for the period under 7A inquiry. This was pointed out to the commissioner who failed to consider the same for the purpose of assessment. Hence, the said amount be considered for compliance of 30% deposit in terms of sec7 O of the Act. Mr. Pradhan the learned counsel representing the respondent objected and submitted the plea taken by the appellant can very well be considered during merit hearing of the appeal.

On hearing the submission it is found that the appellant wants modification of the interim order directing deposit of 30% of the assessed amount. He also wants that the amount deposited during 7A inquiry be considered for reduction of the pre-deposit amount. But the said submission of the appellant does merit consideration at this stage since; the respondent has not yet filed its reply. It is also not known at this stage if the deposit relates to the period under inquiry and if it was taken into consideration by the commissioner or not. To accept the submission of the appellant at this stage would also amount to prejudging of the matter when respondent is yet to file its reply. The petition is held devoid of merit and rejected. However a last opportunity is hereby given to the appellant to comply the order dated 09.09.2020 by 29.10.2020. Parties are informed accordingly.

Sd/-

Presiding Officer

