

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, No. 1 DELHI**

**D-1/41/2024**

**M/s Pacific Construction vs. APFC/RPFC Delhi (East).**

Present: Sh. M.K. Pandey, for the Appellant.  
Sh. Narendra Kumar, for the Respondent.

**Order dated-13.05.2025**

**ORAL**

1. Record perused. The case is fixed for compliance of the order passed by this tribunal on 07.04.2025 where vide a detailed order, this tribunal had directed the appellant to deposit the 65% of the assessed amount within four weeks by way of FDR favouring 'Registrar CGIT'. Instead of making compliance of the order dated 07.04.2025, today the appellant has moved an application seeking modification of the order dated 07.04.2025. It has been submitted by him that this tribunal started dictating the order in the open court directing the appellant to deposit 55% of the assessed amount but when the order was received through mail, amount of 65% was mentioned instead of 55%. He submits that the same needs modification.
2. Neither the respondent has deposited the 55% of the amount as claimed by him nor the 65% which has been dictated by this tribunal in the open court. Further moving this application is only to delay the compliance of the order because of the fact that appellant has preferred the writ petition in the High Court only yesterday. Matter still has not been listed as only the diary number was given.
3. In this circumstance, application is nothing but misuse of process of law. Therefore, it stands dismissed. As the appellant has not complied with the order passed by this tribunal dated 07.04.2025, interim stay which was granted earlier stands vacated.
4. Record Perused. This appeal has been filed by the appellant assailing the order passed by Assistant Provident Fund Commissioner u/s 7A of the EPF & MP Act, 1952 (hereinafter referred as the Act) wherein

the respondent has assessed the amount of Rs.19,10,941/- as PF dues for the period 04/2015 to 03/2020.

5. Provision of the appeal has been provided u/s 7I of the Act. Further rules made under the act gives discretion to impose the condition of pre deposit of the amount before entertaining an appeal. Though, in the first proviso, there is a mandatory condition for entertaining an appeal by directing the appellant to deposit 75% of the assessed amount u/s 7A of the EPF Act, 1952, however, on the next breath, tribunal had been given vide discretion to reduce or modify the condition prescribed under Rule 7(2) of the Tribunal (Procedure) Rules, 1997.
6. This is the pre-condition for admitting the appeal. Since, the appellant has failed to comply with the condition imposed by this tribunal wherein appellant was directed to deposit the 65% of the assessed amount, appeal shall not be entertained. Consequent thereto, appeal stands dismissed. Respondent is at liberty to execute the impugned order.

Atul Kumar Garg  
(Presiding Officer)