

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, DELHI**

D-1/73/2024

**M/s Sakha Consulting Wings Pvt. Ltd. vs. APFC/ RPFC,
Delhi South.**

Present: Sh. Sauhardya Biswar, proxy for the Appellant.
Sh. B.B. Pradhan, Ld. Counsel & Sh. Roshan Lal along
with Sh. Sunil Ranjan, A/R for the Respondent.

Order Dated-15.05.2025

Ld. Counsel for the respondent stated that he has been engaged by the department to represent his case because Sh. A.K. Singh, the earlier counsel has expressed his intention to return the file allotted to him by the department. He is discharged from this appeal. Sh. B.B. Pradhan, newly engaged counsel made a request permitting him to file the authority letter before next date of hearing.

Sh. Roshan Lal, assessing officer is present. His presence has been called because of the fact that in spite of the stay order passed in favour of the appellant establishment, it was intimated to initiate the recovery proceeding against it on 04.04.2025.

By the said order dated 24.04.2025 this tribunal has also called the department to produce all the record regarding recovery certificates issued in this manner in respect of all the appeals filed in the year 2024 in which the current demand was converted into arrear demand and intimation has been sent to the establishment despite the stay from this tribunal. Only two recovery certificates have been issued in this manner out of the nine appeals pending which was filed in the year 2024.

In this regard the recovery certificate issued u/s 8 of the EPF & MP Act, 1952 dated 04.04.2025 is required to be reproduced herein which is affixed below:-

ANNEXURE B



EMPLOYEES' PROVIDENT FUND ORGANISATION
EPFO COMPLEX, PLOT NO. 23, BEHIND ACP OFFICE, SECTOR-23, DWARKA, NEW DELHI, 110077

**CERTIFICATE UNDER SECTION 8 OF THE EMPLOYEE'S PROVIDENT FUNDS AND
MISCELLANEOUS PROVISIONS ACT-1952**

RRC NO. DS/NHP/1577318/503/25

Date: 04 APR 2025

To,

The Recovery Officer
Regional Office, DELHI (SOUTH)

This is to certify that the sum of Rs. 348301/- which is due from M/s SAKHA CONSULTING WINGS PRIVATE LIMITED, DSNHP1577318000 against Assessment Levy of Damages u/s 14B/Interest on account belated remittance of E.P.F., E.P.S., E.D.L.I. Dues. (as per the details in ANNEXURE-A) is in arrear with reference to the provisions of the Section 8B(2) of the EPF & MP Act (Amendment-1952) 1988, you are hereby requested to recover the same in accordance with the provisions of the said Act.

Yours faithfully,

Authorized Officer

Copy to

The Employer,
SAKHA CONSULTING WINGS PRIVATE LIMITED,
32, NEHRU APARTMENTS KALKAJI ND, 0,
NEW DELHI, 110019

for information please.

This is to inform that this Revenue Certificate is being forwarded to the Recovery Officer, DELHI (SOUTH) for recovery of the amount Rs. 348301/- as per Annexure A from you/your establishment.

Yours faithfully,

Authorized Officer

ANNEXURE-A

DETAILS OF DUES FOR PERIOD FROM 03/2014 TO 12/2017

A/c No	14B	7Q	Total
A/C 01	74022	40440	114462
A/C 02	582	487	1069
A/C 10	146504	72953	219457
A/C 21	8818	4402	13220
A/C 22	63	30	93
A/c Total	229989	118312	348301

Heard the arguments and perused the record. Section **8B of the EPF & MP Act, 1952** provided issuance of certificate to the recovery officer in clause 1.

Its only talks about that any amount which is in arrear, the authorized officer may issue, to the recovery officer, a certificate under his signature specifying the amount of arrears and the Recovery officer, on receipt of such certificate, shall proceed to recover the amount. Nothing has been mentioned herein, the recovery officer shall intimate about the recovery certificate to the employer which in the present case has happened.

Respondent has taken the plea that it is a computer generated performa. But in all the nine appeals computer generated performa has not been issued.

It is also important to mention here that this tribunal has stayed the impugned order dated 21.01.2025, the same is the knowledge of the respondent. It is very surprising that in spite of the stay order, such type of mechanism has been created for generating the computerized performa and intimate the appellant. When any order in this manner reaches the employer of any establishment, then certainly one become in panic. In future all the **RPFC in Delhi as well as NCR region are directed to amend this performa**. If the stay order is in operation, then no intimation shall be given to any such employer establishment. If the same would happen than this tribunal would deal with such cases sternly. With this, the matter is ended. Officer present is discharged. Now list the case on 04.06.2025 for filing of rejoinder by ld. counsel for the appellant.

Sd/-

Atul Kumar Garg
(Presiding Officer)