



**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri.V.Vijaya Kumar, B.Sc., LLM, Presiding Officer.

(Thursday the 21<sup>st</sup> day of January, 2021)

**Appeal No.91/2020**

Appellant : M/s. Mother Hospital Pvt. Ltd  
Pullazhi PO  
Thrissur - 680012

By Adv. P.A. Saleem

Respondent : The Regional PF Commissioner  
EPFO, Sub Regional Office  
Kochi – 682017

This case coming up for admission on 21.01.2021 and the same day this Tribunal-cum-Labour Court passed the following:

**ORDER**

Present appeal is filed from order No. KR/KC/13871/ECourt/42/2020/COCKRKCH/23733/Enf 4 (3)/ 2020 dt. 23/10/2020 assessing dues in respect of non-enrolled employees for the period from 04/2012 to 03/2013. The total dues assessed is Rs. 10,63,191/-

2. Notice was issued to both the parties. The learned Counsel for the appellant was present. There was no representation for the respondent. According to the learned Counsel for the appellant the dues are assessed in respect of non-enrolled employees for the period from 04/2012 to 03/2013. According to him the respondent issued an order U/s 7A of the Act assessing dues in respect of 118 employees for the period from 12/1991 to 11/2012 and the amount Rs.26,21,527/- was assessed against those employees. This assessment is challenged in appeal and is pending. The respondent initiated the assessment of dues in respect of non-enrolled employees through these proceedings for the period from 04/2012 to 03/2013. The learned Counsel for the appellant also pointed out that there is a clear overlap of assessment for the period from 04/2012 to 11/2012 as the assessment in respect of non-enrolled employees were already made in the earlier order. He further pointed out that 56 names in both the orders are common and therefore there is an excess assessment. The learned Counsel submitted that this anomaly was pointed out at the time of the enquiry U/s 7A itself, but the same was ignored by the 7A authority. On a perusal of the impugned order, in its findings, the respondent authority states that the assessment for the period from 04/1991 to 11/2012 has already

been made. Further it is indicated that the assessment is made for the period from 11/2012 to 03/2013 as per the impugned order. However it is seen that while computing the actual dues the respondent has taken the dues for the period from 04/2012 to 03/2013. No satisfactory explanation is available in the impugned order as to why the respondent assessed dues from 04/2012 to 11/2012 which was already covered as per the earlier order.

3. The appellant is required to deposit 75% of the assessed dues as per Sec 7(O) before the appeal can be admitted. However in the absence of any explanation for the above anomaly it is not fair and proper to direct the appellant to deposit 75% of the assessed dues for admitting the appeal U/s 7(O) of the Act.

Hence the appeal is admitted subject to remittance of 35 % of the assessed dues with the respondent within a period of one month. Proof of remittance shall be produced on or before of the next date of posting. Subject to above the impugned order is stayed .

Adjourned and posted to 26/02/2021 for the appearance of the respondent and counter.

Sd/-

**(V. VIJAYA KUMAR)**  
Presiding Officer