

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT/EPF APPELLATE TRIBUNAL,
JABALPUR

NO. CGIT/LC/EPFA-4-2017

PRESENT: P.K.SRIVASTAVA
H.J.S.(Retd.)

M/s Nav Bharat Press Pvt. Ltd.

APPELLANT

Versus

Assistant Provident Fund Commissioner
Bhopal(M.P.)

RESPONDENT

Shri Arun Patel : Learned Counsel for Appellant.

Shri J,K,Pillai :Learned Counsel for Respondent.

(J U D G M E N T)

(Passed on this 22nd day of October-2021)

1. The present appeal is directed against the order dated 3-7-2017 by which the Respondent Authority as issued a notice to the Appellant Establishment to deposit damages under Section 14-B of the Employees Provident Fund and Misc. Provisions Act 1952 (herein after referred to as the word Act) and 7Q of the Act to deposit the amount mentioned in the notice or if the appellant establishment does not deposits, then to appear before the Respondent Authority to represent its case.

2. The grounds of appeal are mainly that the impugned order is bad in law , illegal , perverse and malafide and is without jurisdiction, passed by the Respondent Authority without applying its mind.

3. The Respondent Side has rebutted the grounds. Their main objection is that no final order under Section 14B or 7Q of the Act has been passed, what has been challenged by the appellant establishment is a simple notice to deposit the amount or to appear before the Respondent Authority and show cause why the amount not be recovered from the appellant establishment. According to the Respondent side, this notice is not a final order, hence the appeal itself is not maintainable.
4. I have heard arguments of Shri Arun Patel, learned counsel for the appellant and Mr. J.K.Pillai, learned counsel for the respondent and I have gone through the record.
5. Before entering into any discussion, Section 7I of the Act requires to be produced here:-

7I. Appeals to Tribunal.-

(1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to Sub-section, (3), or sub-section (4), of section 1, or section 3, or sub-section (1) of section 7-A, or section 7-B [except an order rejecting an application for review referred to in sub-section(5) thereof], or section 7-C, or section 14-B, may prefer an appeal to a Tribunal against such notification or order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.]

6. A bear reading of the provisions show that Appeal will be maintainable when a final order is passed by the Authority. Since the present order is interlocutory order because it is simply a notice to pay or show cause why not to pay. It is not covered under Section 7I of the Act. The Appellant has been given a chance by the

Respondent Authority itself to put its case before the Respondent Authority in response of the demand notice and thereafter the Respondent Authority will adjudicate the rival claims.

7. In the light of the above discussion, the appeal is found sans merit and is liable to be dismissed.

ORDER

A.The Appeal stands dismissed.

B.No order as to costs.

C.The Appellant Establishment is at liberty to appear before the Respondent Authority in response to the notice . If the appellant establishment disputes the claim and files a response to the notice, it shall be decided by the Respondent Authority as per law, after hearing the parties.

(P.K.SRIVASTAVA)

PRESIDING OFFICER

JUDGMENT SIGNED , DATED AND PRONOUNCED.

(P.K.SRIVASTAVA)

PRESIDING OFFICER

Date:22-10-2021