

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No. D-1/99/2019

M/s. Frontline (NCR), Business Solutions Pvt. Ltd.

Appellant

VS.

RPF, Delhi (North)

Respondent

ORDER DATED:- 29.10.2021

Present:- Shri Ajeet Upadhyay and Shri Tathagat, Ld. Counsel for the Appellant.

Shri S.N. Mahanta, Ld. Counsel for the Respondent.

The matter came up for hearing on miscellaneous application filed by the appellant seeking a direction to the Axis Bank Mohali Punjab for refund of Rs. 28,91,434/- for further progress in the matter. Alongwith the application an affidavit has been filed. Copy of the application and affidavit being served on the Ld. Counsel for the respondent he participated in the hearing.

Heard, perused the record. This tribunal by order dated 04.03.2021 had allowed the petition filed by the appellant u/s 70 of the Act and directed deposit of Rs. 21,88,000 which is little more than 30% of the assessed amount as a pre condition for an admission of the appeal. The date for compliance was fixed to 23.04.2021. Before the due date, on 06.04.2021 the appellant moved an application seeking extension of time which was allowed upto 27.04.2021. In the affidavit the appellant has stated that it has partly complied the direction. Now by filing the present miscellaneous application the appellant has stated that during scrutiny the establishment could know that towards part compliance of the orders passed in 3 separate appeals pending for admission, the EPFO has already recovered 59,42,548/- and balance of Rs. 5,29,452/- are to be deposited. But the EPFO has attached the bank account of the establishment maintained with Axis Bank Mohali Branch Punjab and the said Bank has prepared a demand draft of Rs. 28,91,434/- in the name of RPF, Delhi which is now pending for revalidation. Hence, an instruction may be issued to the Bank for refund of the said amount so that the appellant will be in a position to comply fully the order dated 04.03.2021.

The Ld. Counsel for the respondent has not filed any written objection to this miscellaneous application but during hearing he

raised serious objection. During course of argument Mr. Mahanta Ld. Counsel for the respondent submitted that the photocopy of the Bank Draft and the covering letter requesting revalidation shows that the draft has been prepared in the name of the RPFC Mohali Punjab and that might be in connection with some other proceedings pending in Mohali Punjab. The position of the Bank Draft and the liability of the appellant for any deposit before the RPFC Mohali not being known to this tribunal, no order should be passed for refund of the said amount.

On hearing the argument advanced and on perusal of the photocopy of the document i.e. the Bank Draft and covering letter it clearly appears that the Axis Bank Branch at Mohali had prepared a Bank draft of Rs. 28,91,434/- in the name of RPFC Mohali Punjab and it is not known whether the amount is in respect of any proceeding pending before the said RPFC or the tribunal at Chandigarh. There being no evidence at present to believe that the draft was prepared in connection with the proceedings pending before this tribunal, no order can be issued for refund of the said amount. The petition is held devoid of merit and rejected.

It is found that the appellant has not fully complied the direction given in the order dated 04.03.2021. As a last chance time is allowed till 08th November 2021 failing which the appeal shall stand dismissed for non compliance without further reference.

Presiding Officer