

**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-1/76/2019**

M/s Guru Solution Limited

Appellant

VS.

APFC, Delhi East

Respondent

**ORDER DATED:-09.03.2021**

Present:- Shri Atul Kr., Ld. Counsel for the Appellant.  
Shri Puneet Garg, Ld. Counsel for the Respondent.

This order deals with the application filed by the appellant praying stay on the execution of the impugned order till disposal of the appeal. By order dated 21.11.2019 the delay in filing of the appeal was condoned subject to certain condition and the appeal was later on admitted.

The Ld. Counsel for the appellant while moving the stay petition submitted that the company is suffering continuous loss and a lot of money has remained stock in the market which is yet to be recovered. The establishment was diligent earlier in remittance of the Pf dues but for the period commencing from 01.04.1996 to 27.02.2014 there was delay in remittance which was never deliberate but for reasons beyond the control of the appellant. No proper notice was served on the appellant and the commissioner being influenced by the complainant union ignoring the facts on record passed the illegal and non speaking order which was received by the establishment on 10.04.19. It has further been stated that the appellant has a strong case to argue and unless there would be stay on the execution of the impugned order serious prejudice shall be cause. Thereby he submitted for an interim order of stay.

In reply Mr. Garg the Ld. Counsel representing the respondent submitted that all the plea taken by the appellant can be consider during the final hearing of the appeal on merit. He also argued that the EPF and MP Act is a beneficial legislation which aims at benefit employee only. The imposition of the damage is a punitive action to check recurrence of the omission by the establishment. Any order of stay of the impugned order would be contrary to the interest of the beneficiary. He also pointed out that in this case the establishment had

defaulted in the deposit for a pretty long period starting from 01.04.1996 to 27.02.2014 which is almost 18 years which prima facie shows that the appellant is a willful defaulter.

On hearing the argument advanced by the counsel for both the parties and considering the factor like period of default and amount of damage levied it is felt proper to pass an order of stay which cannot be unconditional. Hence, it is directed that there should be an interim stay on the impugned order pending disposal of the appellant subject to the condition that the appellant shall deposit Rs. 300,000/- within 3 weeks from the date of the communication of this order as a pre condition for stay. It is made clear that there would be no stay on the order passed u/s 7Q of the Act as the said order is not appealable and at this stage no opinion can be formed if the orders are composite order. Call this matter 05.04.2021 for compliance of this direction and filing of reply by the respondent.

Presiding Officer