

CGIT-1/EPFA/17 OF 2019

17/12/2019

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,**  
**MUMBAI**

M/s.Shree Sai Samarth Nagari Sahakari ... Appellant  
Patsanstha Ltd.

Vs

Regional Provident Fund Commissioner ... Respondent  
Nashik.

Presence:

For the Appellant : Mr.Vinayak Upadhye, Adv.  
For the Respondent : Smita Thakur, Adv. i/b  
Suresh Kumar, Adv.

**ORDER**

1. The date for this case was fixed on 28.1.2020. An application has been moved by the appellant to take this matter on today's board alongwith an appeal as the respondent is pressing hard to execute the order impugned in the appeal. Application allowed and the matter is taken up today.

2.. The present appeal is filed by the appellant under section 7(i) of the EPF & MP Act, 1952 (hereinafter referred to as 'Act') against the order dated 28.6.2019 passed by the Assistant Provident Fund Commissioner, the Respondent under section 7 A of the Act.

29



2. The appellant has filed application for waiver of deposit u/s 7 (O) on the ground that the impugned order is passed u/s. 14B.

3. The respondent opposed this application also on the ground that there is statutory provision to the effect that no appeal shall be entertained unless appellant has deposited 75% of the amount due from him provided the tribunal may waive or reduce the amount. Submission is to the effect that section 14B is complete in itself so far as computation of damages is concerned, the money from the employer would have to be calculated u/s. 7A and in the event of default, employer is contumacious. Exercise of computation has to be taken u/s 14B. As such this exercise comes under statutory provisions and therefore the appellant is liable to deposit 75% of the amount.

4. In view of this legal position, since the impugned order is u/s 14B, pre-deposit is not required and the pre-deposit is waived.

5. The appellant is also asking for stay to the impugned order. While granting stay to the impugned order certain condition is to be imposed and hence in my considered view the impugned order can be stayed by imposing condition to the effect that appellant shall deposit 20% of the amount assessed.

6. Learned counsel for the appellant made submission that the Department has already taken Rs.10,00,000/- Keeping this fact into consideration, 20% of the assessed amount is required to be deposited by the appellant. It is made clear that whatever amount comes to 20% is to be adjusted with Rs.10,00,000/- and remaining is to be deposited with the Respondent within three weeks.

5. In view of the above, I pass the following order.

- (i) Appeal is admitted.
- (ii) Condition of pre-deposit is waived.



(iii) Appellant is directed to deposit 20% of the assessed amount within 3 weeks and on depositing the 20% of the assessed amount impugned order is stayed till further orders.

(iv) On depositing the 20% of the assessed amount the respondent is directed not to take coercive steps till further orders.



*sd/-*  
(JUSTICE RAVINDRA NATH KAKKAR)

PRESIDING OFFICER

सत्यमेव जयते  
TRUE COPY

*[Signature]*  
Secretary to the Court  
Central Government Industrial  
Tribunal-cum-Labour Court No. I  
Mumbai