

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1**

**MUMBAI**

Present

Smt.Pranita Mohanty

M/s. Standard Shipping .... Appellant

Vs

Assistant Provident Fund Commissioner ... Respondent

Bandra

**Presence:**

For the Appellant : Mr.P.M.Bhagat, Adv

For the Respondent : Mrs. Kashmira Sawant, Adv

**ORDER**

This order deals with the admission of the appeal and a separate petition filed by the appellant praying waiver of the condition prescribed u/s 70 of the Act directing deposit of 75% of the assessed amount, as a pre condition for filing the appeal, for the reasons stated in the petitions. This appeal has been filed by the appellant challenging the order dt

9/4/2021 after expiry of the period prescribed for filing the appeal. Hence this Tribunal had heard the submission on condonation of delay and by order dt 24/11/2021 passed the order condoning the delay. Now the matter has come up for consideration of the petition filed u/s 70 of the Act and admission of the appeal.

Copy of the petition being served on the respondent, learned counsel for the respondent appeared and participated in the hearing by filing written objection to the petition filed u/s 70 of the Act. A prayer has been made by the appellant for waiver/reduction of the pre deposit amount contemplated u/s 70 of the Act. The learned counsel for the appellant submitted that the impugned order has been passed without application of mind and in a mechanical manner. The appellant establishment is a partnership firm engaged in the business as a Custom House Agent being granted license by the customs Department. Basically it acts as a clearing and forwarding agent having no fixed no of employees as the said no varies on the basis of the volume of work assigned. At no point of time it had employed 20 or more persons. The establishment had submitted on line application voluntarily for allotment of code no in response to the Amnesty Scheme declared by the Govt in 2016. The code no was allotted retrospectively from 2011. Soon thereafter the establishment made deposit of