

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

Present  
Smt.Pranita Mohanty  
Presiding Officer

M/s. Citizens Welfare Association ... Appellant  
Vs

Assistant Provident Fund Commissioner ... Respondent  
Thane

**Presence:**

For the Appellant : Mr. H.L.Chheda  
Authorized Representative.

For the Respondent : Mr. Ravi Rattesar, Adv

**ORDER**

This order deals with an application filed by the appellant seeking a direction to the Respondent to refund the amount recovered from the appellant in excess to the direction given by this Tribunal for deposit of the amount in compliance to the provisions of sec 70 of the Act.

Heard the learned counsel for both the parties. Perusal of the record shows that this Tribunal while admitting the appeal by order dt. 04/02/2022 had directed the appellant to deposit 30% of the assessed amount towards compliance of the condition of pre deposit.

The appellant has stated that the Respondent in utter disregard of law and procedure and before expiry of the period prescribed for filing the appeal, attached the Bank account of the appellant and recovered the entire assessed amount. When this Tribunal passed the order dt 4/2/2020, the appellant approached the respondent for refund of the excess amount than ordered by the Tribunal for deposit. But the respondent did not pay any heed forcing the appellant to file the present petition. Thus the appellant has prayed for a direction in this regard.

The learned counsel representing the Respondent confirmed recovery of the entire assessed amount with explanation that the respondent department has challenged the order dt 4/2/2020 passed by this Tribunal in a writ petition filed before the Hon'ble High Court. But the learned counsel fairly submitted that no order of stay has been granted by the Hon'ble High Court.

It is found on record that 30% of the assessed amount which comes to Rs 16,79,869/- was to be deposited by the appellant. Now that the entire amount has been recovered by the Respondent, it is directed that the Respondent shall refund the balance amount to the appellant without interest after depositing Rs 16,79,869/- before this Tribunal by FDR in the name of the Registrar initially for a period of one year with provisions of auto renewal, within 15 days of communication of this order, failing which the amount ordered for refund shall carry interest at the rate of 6% per annum from the date of recovery and till the date

of actual refund. Call the matter on 2/11/2022 for compliance of the direction given in this order.

PRÉSIDING OFFICER

CGIT NO.1, MUMBAI