

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
GUWAHATI, ASSAM.

Present: - Smt. Indira Barman, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

E.P.F. A. No. 01/2026.

North Eastern Security Service (NESS) Private Ltd., Khanapara, Guwahati.. .....Appellant.

-Vrs-

The Regional Provident Fund Commissioner-I, Employees Provident Fund Organization, Regional Office,  
Guwahati. ....OP/Respondent.

REPRESENTATIVE:

Mr. Surajit Bharali, learned Advocate  
Mr. Baijoyanta Barooah, learned Advocate  
Mr. Manash Das, learned Advocate ..... for the Appellant.

30-04-2026

The appellant is appeared through Mr. Surajit Bharali, learned Advocate assisted by Mr. Baijoyanta Barooah and Mr. Manash Das, learned advocates.

The Appeal has preferred by the authorised representative Sri Sarat Kalita, the Managing Director, M/s North Eastern Security Service Private Limited, Khanapara, Guwahati through Mr. Surajit Bharali, learned Advocate u/s 7-I of the Employees' Provident Fund & Miscellaneous Provisions Act,1952. Memo of Appeal has been presented in triplicate on 13-04-2026 along with a Bank Draft No.333926 dated 08-04-2026 of ₹ 2,000/- in favour of the Registrar, CGIT. It appears that Rule 4 of EPF Appeal Tribunal (Procedure) Rules 1997 has been complied.

Seen the scrutiny report submitted by the Registrar and perused the record. Considered. It appears to me that the Appeal has been preferred against the orders No.NE/GHY/0005111/000/Enf 501/Damages/312 dated 06-02-2026 and No.NE/GHY/0005111/000/Enf 501/Damages/313 dated 06-02-2026 passed by the

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Regional Provident Fund Commissioner-I, Regional office, Guwahati against the appellant in respect of penal damages levied under section 14-B of ₹ 32,82,666/- and interest levied under section 7-Q of ₹ 24,57,332/-, of the Employees Provident Fund and Misc. Provisions Act,1952, whereby the Appellant was directed to deposit the said amount under section 14-B and 7-Q of EPF and MP Act,1952 for the period from 01-04-2002 to 04-01-2024 pertaining to various wage month for the period from 03/2009 to 11/2023.

Heard learned Counsel for the Appellant.

Learned counsel for the appellant submitted that the impugned order(s) dated 06-02-2026 were received by the Appellant by post on 13-02-2026 and filed the Appeal within the period of limitation.

Learned Counsel for the appellant prayed for admitting the appeal and to quash and set-aside both the impugned orders dated 06-02-2026 passed by the RPF-C-I, Guwahati. The respondent passed the order dated 06.02.2026 under Section 14B of the said Act levying damages of Rs.44,13,668/- (Forty Four Lakhs Thirteen Thousand Six Hundred and Sixty Eight only) and vide order dated 06.02.2026 passed under Section 7Q imposing interest of Rs.36,59,161/- (Thirty Six Lakhs Fifty Nine Thousand One Hundred and Sixty One only) for the belated remittance for the period from 01.04.2002 to 04.01.2024 pertaining to various wage month for the period from 03/2009 to 11/2023 and after adjusting remittances already made, a balance of Rs.32,82,666/- (Thirty Two Lakhs Eighty Two Thousand Six Hundred and Sixty Six only) has been demanded by the respondent to be paid within 15 days of the passing of the Order under Section 14B, failing which, recovery proceedings would be initiated with no further reference. Further, after adjusting remittances already made, a balance of Rs.24,57,332/- (Twenty Four Lakhs Fifty Seven Thousand Three Hundred and Thirty Two only) has been demanded by the respondent to be paid within 15 days of the passing of the Order under Section 7Q, failing which recovery proceedings would be initiated with no further reference. Hence, this appeal is preferred against the order(s) dated 06.02.2026 in respect of levy of damages under Sec 14B and interest under Sec 7Q of the said Act. Hence, prayed to stay of operation of the impugned orders.

A separate application has been filed by the appellant for stay of impugned orders dated 06-02-2026 under section 14B and 7Q and also prayed not to proceed further any legal action or for recovery of amount or attach the bank account or otherwise against the appellant till disposal of this appeal.

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The appellant also filed another application under Rule 7-O of the EPF&MP Act,1952 stating that there is a strong prima facie case in favour of the appellant and out of the total panel damages and interest levied under section 14-B and 7-Q of the Act respectively, substantial payments of Rs.25,14,304/- has already been made by the Appellant. The Appellant further states that presently it is going through severe financial hardship and merely able to manage its day-to-day business. Hence, prayed to waive the pre-deposit requirement under section 7-O of the EPF&MP Act,1952 in light of the mitigating circumstances.

Heard the submission of the learned advocate for the appellant. Considered the submission and the amount assessed against the appellant in the impugned order.

The appeal is admitted. Appellant is hereby directed to deposit 20% of the assessed amount under sections 14-B and 7-Q within 30 days from the date of order in favour of Registrar, CGIT through demand draft. In the meantime, no coercive action shall be taken by the Respondent against the Appellant. The order dated 06-02-2026 is hereby stayed till disposal of the Appeal.

A copy of order be communicated to the Respondent. Appellant is directed to take steps within 7 days.

Fix 15-06-2026 for filing reply of Appeal, if any by the Respondent.

  
(Indira Barman),  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.