

**CGIT-1/EPFA/03 of 2021**

**14.1.2021**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-1, MUMBAI**

**M/S.SAMARTH SAMAJ DOMBIVALI**

**(S H Jondhale Polytechnic)**

**DOMBIVALI**

**: APPELLANT**

**VS.**

**REGIONAL PROVIDENT FUND COMMISSIONER**

**THANE**

**: RESPONDENT**

**ORDER**

Mr.H.L.Chheda, Authorized Representative for the Appellant is present.

Mr.Suresh Kumar, Adv. Present for the Respondent.

- 1.. The present appeal is filed by the Appellant under Section 7-I of the EPF & MP Act, 1952 (hereinafter referred to as the Act) against the order dated 29.10.2020 passed by the Regional Provident Fund Commissioner, the Respondent under section 7A (1) of the Act. The amount determined by the impugned order passed is 1,63,35,264/-
2. Alongwith appeal Appellant has filed application for waiver of deposit u/s 7-O of the Act.
3. Copies have already been furnished to the Respondents.



4. Perusal of the record reveals that the appeal is within the limitation period prescribed as per Rule 7(2) of the EPFAT (Procedures) Rules, 1997.

5. The appellant stated that it is an educational institution. He further stated that they have not executed any agreements for the services from any of the contractors deployed by them. Contractors have been orally explained the work and the work were done. The contractors were not registered with EPFO. The contractors raise the bills on monthly basis at the agreed rates, and the institution was making payment. The appellant submitted that the impugned order passed by the respondent commissioner is ex-facie bad in law besides being illogical and illegal which is required to be set aside and quashed.

6. Learned counsel for the respondent while supporting the impugned order submitted that all the grounds taken by the appellant including the jurisdictional grounds are open for consideration during the regular hearing of the appeal. The EPF & MP Act is a beneficial legislation and aims at the benefit of the employees. Any order or stay of the impugned order would defeat the very purpose of the legislation.

7. Heard both parties.

8. After considering the entire facts and circumstances as well as submissions made by both the parties, the impugned order has been passed under Section 7-A and in view of the provisions of the Section 7-0, the appeal should not be entertained unless the appellant deposited 75 % of the assessed amount. It has to be considered at the time of personal hearing of the appeal on merits. At this stage, as per mandatory provisions the appellant has to deposit 75% of the assessed amount which can be reduced or modified to some extent on



the basis of prima facie case and balance of convenience.

9. Considering the appellant case, I find it proper to reduce the amount and the appellant can be directed to deposit 20% of the assessed amount. On depositing 20% of the assessed amount to the respondent within 6 weeks from the date of order, the impugned order is stayed. This is pre-condition for staying the impugned order and for entertaining the appeal. Hence order.

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

(i) Appeal is admitted.

(ii) Appellant is directed to deposit 20% of the assessed amount within 6 weeks and on depositing the 20% of the assessed amount impugned order is stayed till further orders.

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

Fix on 26.3.2020



  
(JUSTICE RAVINDRANATH KAKKAR)

PRESIDING OFFICER

*True Copy.*  
*Nabany!*  
Secretary to the Court  
Central Government Industrial  
Tribunal-cum-Labour Court No. 1  
Mumbai