

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT-II, ROUSE AVENUE, DISTRICT COURT COMPLEX,
DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No. D-1/07/2022

M/s. S.P.S Engineering Pvt. Ltd.

Appellant

VS.

APFC, Delhi (North)

Respondent

ORDER DATED:- 02.03.2022

Present:- Sh. Vikas Nagwan, Ld. Counsel for the Appellant.
Shri Manish Dhir, Ld. Counsel for the Respondent.

This appeal has been filed by the establishment M/S SPS Engineering challenging the order dated 15/12/2021, passed by the APFC cum Recovery officer in exercise of the power u/s 8B to 8G of the EPF&MP Act directing the establishment to deposit Rs14,99,785/- as the arrear PF dues of it's employees. Notice of the appeal being served on the Respondent the learned counsel Shri Manish Dhir appeared and participated in the hearing.

The contention raised in the appeal is that there were inquiries held earlier against the establishment u/s 7A of the Act and separate orders were passed directing deposit of Rs 56,920/- for the period 01/2014 to 05/2014 as against the contribution for an ex-employee of the establishment. Another order was passed on 17.02.2021 in which the establishment was asked to deposit Rs. 31040/- annexing the details of the PF contribution made by the establishment during the period 2014 to 2019, the appellant establishment has stated that that the arrear payable by the establishment during this period is only Rs 4,43,969/-. But the recovery officer has made an exorbitant demand of Rs 14,99,785/ illegally which needs interference by the Tribunal in the interest of justice.

The sole objection raised by the Respondent without replying the facts pleaded, is that the appeal challenging action u/s 8B to 8G of the act is not maintainable and the same be rejected.

A plain reading of the provision of sec 7I of the Act shows that the appeal is maintainable against orders passed, in exercise of power u/s 7-A or 7-B or 7-C or 14-B of the Act by the appropriate authority. But no order passed u/s 8B to 8G is appealable to this Tribunal. Hence the appeal is held not maintainable and dismissed. Consign the record as per Rules.

Presiding Officer