

CGIT-1/EPFA/02 of 2021

14
19.01.2021

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-1, MUMBAI

M/S.SQUAREFEET ECO HSG. LLP

THANE

: APPELLANT

VS.

ASSISTANT 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 05.11.2020 passed by the Regional Provident Fund Commissioner, the Respondent under section 7A of the Act. The amount determined by the impugned order is Rs.42,52,890/-

2. Alongwith appeal Appellant has filed application for waiver of deposit u/s 7-O of the Act.

3. The appellant has also filed an application for issuance of the direction to the Respondent to refund of the amount during the pendency of the appeal filed before this Tribunal.

4. Copies have already been furnished to the Respondents.

Perusal of the record reveals that the appeal is in time.



6. The learned counsel for the appellant stated that the Assistant Provident Fund Commissioner in utter disregard to the facts of the case denying the receipt of acknowledged records and documents in relation to the provident fund matters, passed an illogical and illegal order under Section 7A(1) of the Act, 1952 fastening the provident fund contributions dues of Rs.42,52,890/- for the period from 05/2012 to 02/2016. The appellant submitted that there was non-application of mind on the part of the respondent commissioner while passing the impugned order and passed non-speaking and non-reasoned order and prayed to Quash and set aside the impugned order.

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 amount due. 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 30% of the assessed amount. On depositing 30% 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.

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

(0) Appeal is admitted.

(ii) Appellant is directed to deposit 30% of the assessed amount within 6 weeks and on depositing the 30% of the assessed amount impugned order is stayed till further orders.

On depositing the 30% of the assessed amount the respondent is



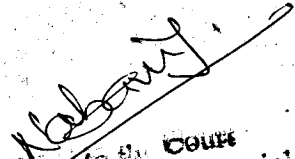
directed not to take coercive steps till further orders.

Fix on 18.2.2021 for filing reply against Memo of Appeal.




(JUSTICE RAVINDRANATH KAKKAR)

PRESIDING OFFICER


Secretary to the Court
Central Government Industrial
Tribunal-cum-Labour Court No. 1
Mumbai