

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1

MUMBAI

Present

Smt. Pranita Mohanty, Presiding Officer

M/S. Standard Shipping

Vs

APFC, Bandra

CGIT-1/EPFA-86 OF 2021

Appearance:

For the Appellant : Mr.R.M.Bhagat, Adv

For Respondent No.1 : Mrs. Kashimira Sawant, Adv.

Mumbai, dated the 22nd day of July, 2022.

ORDER

The matter came up today for the urgent application moved by the appellant. Notice been served, the learned counsel for the respondent Smt.Kashimira Sawant appeared by filing vakalatnama. Heard the counsel for both the parties on the admission of the appeal.

The learned counsel for the appellant submitted that it is a typical case of whimsical action of the respondent authority. He pin pointed his submission to say that in the year 2016 the Govt. of India declared amnesty scheme 2016 whereby the employees enrolment campaign 2017 was taken. The appellant establishment made application for voluntary enrolment. The coverage letter was issued and code no. was allotted with effect from 2011. The employees and employer share of the PF contribution from the date of coverage were deposited. However, the respondent initiated a 7-a proceedings for the anti dated period from 2006 to 2011 and passed the assessment order dated 9.4.2021 assessing the liability of the establishment to the tune of Rs.37,09,692/- for the period April 2006 to March 2011. A written submission and the defence taken during the enquiry was not considered. Being aggrieved, he filed this appeal. But the respondent during the pendency of the appeal illegally attached the account of the appellant and has recovered 4,58,282/- for such attachment the appellant is facing difficulty in the business transaction. Hence, the appellant has prayed for admission of the appeal waving the condition of pre-deposit and de-freezing the Bank account.

Learned counsel for the respondent took serious objection to the submissions of the appellant. She wanted to file a detailed reply to the application filed by the appellant under section 7-O of the Act. The other argument advanced by her is that the appeal was filed after an unreasonable delay. Though this Tribunal has condoned the delay, the appeal is yet to be admitted and obviously there is no stay on the impugned order. Hence, the respondent has recovered a small portion of the assessed amount. She insisted for a direction to the appellant for deposit of 75%.

Both parties wanted to advance their elaborate argument on the 7-O application. It is admitted by both the parties that the account which was freezes had only 4,58,282/- rupees and the entire amount has been taken away by the

respondent towards part recovery of the assessed amount. In view of the same, it is hereby ordered that the respondent authority shall immediately de-attach the Bank account which if continued would not serve any purpose of the respondent. The respondent counsel is given last opportunity of filing reply to this 7-O application.

Call on.....for reply on the 7-O application, hearing of the same and admission of the appeal. The respondent authority is further directed not to take any coercive action for further recovery of the amount assessed under the impugned order.

Call the matter on.....fr the purpose as indicated above.

PRESIDING OFFICER
CGIT-1 MUMBAI