

Old Ata No. 47(9) of 2014

CGIT-1/EPFA/Misc-03 of 2021

18.10.2022

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1

MUMBAI

Present

Smt.Pranita Mohanty
Presiding Officer

M/s. The Dahanu Road Janta Co-op Bank Ltd ... Appellant

Vs

Regional Provident Fund Commissioner ... Respondent
Kandivili

Presence:

For the Appellant : Mr.H.L.Chheda,
Authorized Legal Representative

For the Respondent : Mr.Sunil Surana, Adv.

ORDER

This order deals with the mis-application filed by the petitioner who was the appellant seeking a direction to the respondent to refund the amount deposited before this tribunal. Copy of the application being served the respondent filed a written reply.

In the application the appellant has stated that a composite order u/s 14B and 7Q was passed by the RPFC on 20.12.2013. The said order was challenged in the above mentioned appeal. At the time of admission of the appeal the tribunal directed deposit of Rs. 20,00,000/- with the Registrar EPFAT New Delhi which was complied. The tribunal after hearing final argument passed the final order setting aside the orders passed u/s 14B and 7Q of the Act and further directed that the respondent authority shall re-determined the interest and damage amount within 4 weeks from the date of receipt of the order. Accordingly the appeal was disposed of. But surprisingly the respondent authority never passed the fresh order as directed by the tribunal but issued recovery notice of demand dated 23.06.2016 for the revised amount of Rs. 36,75,257/- directing the appellant to deposit the same within 15days. The appellant on receipt of the said notice dated 23.06.2016 wrote a letter informing that Rs. 20,00,000/- has already been deposited and requested for time to deposit the balance. The respondent did not respond to the same and recovered the entire amount i.e Rs. 36,75,257/- from the bank of the appellant. All the efforts made by the appellant who approach the office of the respondent for refund of the Rs. 20,00,000/- remained futile. Thus, the present application has been filed.

The respondent filed reply admitting recovery of the entire amount. It has been pleaded that there is not provision for refund of the same amount and if at all any excess amount has been deposited, the same can be retained for future adjustment.

On hearing the argument advanced by the Ld. Counsel for both the parties during the hearing held through VC on 14.10.2022 it appears that the respondent has already recovered the entire assessed amount. It is not disputed that Rs. 20,00,000/- has been deposited in the registry of EPFAT Delhi. The tribunal finds no reason and legality behind retaining the amount for future adjustment when the appeal has been disposed of and the amount has been deposited. Considering the submission the petition filed by the appellant is allowed. The registrar of the CGIT-I Bombay is directed to comply with the provision for release of the said amount as per the SOP issued and intimate the registrar of CGIT Delhi to comply the provision for refund of the amount thereafter. A copy of this order be communicated to the registrar CGIT Delhi for information and necessary compliance.

The application is accordingly disposed of.

PRESIDING OFFICER
CGIT NO.1, MUMBAI