BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, NEW DELHI

Appeal no. D-1/46/2025

M/s. Cobra Instalcaiones Y Sevicious Vs. APFC/RPFC, Delhi South.

Counsels:

For Appellant:- Sh. Abhishek Diwakar, ld. counsel.

For Respondent:- Ms. Santwana Aggarwal, ld. counsel & Ms. Hemlata, A/R.

Order Dated:-18.11.2025

ORAL

1. Appellant has pressed his application for stay. Ld. Counsel for the appellant has stated that he has filed the present appeal assailing the orders dated 30.09.2025 passed by the respondent, whereby respondent has assessed the damages and interest to the tune of Rs.66,64,174/- & Rs.32,46,906/- **under section 14 B & 7Q of the EPF & MP Act, 1952 (hereinafter referred as the Act)** for the period **01/2015 to 03/2024**. It is his case that the recovery of the said amount will cause irreparable injury and hardship to the appellant, who is already under financial distress due to Covid-19 related disruptions and ongoing losses. He further stated that the balance of convenience also lies in favour of the appellant. Therefore, he prayed operation of the impugned order be stayed till final disposal of the appeal.

2. The Respondent has filed the reply of the application opposing the stay application. He has submitted that the financial constraint is not a justifiable ground to escape statutory liability. Hence, the application be dismissed.

3. I have heard the argument at par and perused the record. Appellant has taken the plea of financial difficulty due to covid-19. For this he has also

relied upon the documents from page 30 which is the balance sheet. On perusal of the balance sheet as on March 31, 2018 turnover of the appellant is around Rs.1,805,078,698/- (Rupees One Hundred Eighty Crore Fifty lakh Seventy-Eight Thousand Six Hundred Ninety-Eight only). So far so as on March 31, 2019 is concerned it was around more than rupees Two hundred crores. The payment which has to be paid to the PF department is hardly in lakhs. Therefore, the financial difficulty cannot be taken into Consideration.

4. Since the appeal is at admission stage and detail argument is required to be heard in respect of the plea taken by the appellant, operation of the impugned order is stayed subject to the condition of depositing Rs.50,00,000/- (Rupees Fifty Lakh Only) including the interest amount of Rs.32,46,906 by way of **FDR** favoring **'Registrar CGIT'** initially for a period of one year having auto renewal mode thereafter, within four weeks from today. Put up on 06.01.2026 for reporting compliance by the appellant and filing of reply of the main appeal by the respondent. In the meanwhile, interim order to continue till next date of hearing.

Atul Kumar Garg
(Presiding Officer)