BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI

D-2/17/2025
M/s Varada Exports vs. APFC/RPFC Noida.

Present: Sh. Prakash Kumar, Ld. Counsel for the Appellant.
Sh. Narender Kumar, Counsel & Sh. Vijay Pal, A/R for the Respondent.

ORAL

Order Dated-13.10.2025

Appellant has pressed his application u/s 7O of the EPF & MP Act, 1952 for waiving/reducing the assessed amount. He has stated that the establishment has faced heavy loses in business and bank liability. Consequently, sole premise of the establishment had to be sold and the sole house of the partner are also to be sold to recoup the liability of the firms and to pay loans. It is further his case that AEO has visited the establishment during the month April 2019 for the inspection of PF compliance and relying upon the report 18.07.2019 of the AEO. He had deposited the amount of Rs. 8,55,615/- in respect of all eligible employees for the enquiry period. He further submitted that the respondent assessed the dues on the basis of job work as well as for the excluded employees. As such he submits that amount assessed by the respondent be waived altogether.

On the other hand, respondent counsel has countered submission stating that there is a pre-condition of depositing of 75% of assessed amount before entertaining an appeal he submits that appellant has not brought any circumstances before this Tribunal so that amount either be waived off or reduced.

I have heard the argument at bar and gone through the record and the provision. Before proceeding further section 7O of the Act is required to be reproduced herein:

7-O. Deposit of amount due, on filing appeal.—No appeal by the employer shall be entertained by a Tribunal unless he has deposited with it seventy-five per cent. of the amount due from him as determined by an officer referred to in section 7A:

Provided that the Tribunal may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this section

From the above said provision, it appears that act mandate the appellant to deposit the 75% assessed amount before entertaining an appeal. However, next proviso empowers this Tribunal to reduce or waive off the amount altogether.

In the present case, it is admitted fact that amount of Rs. 8,55,615/- have been deposited during the course of the enquiry. It is further the fact that the respondent has assessed the amount on the labour charges more than Rs.1Crore 2Lakh taking 25% of the 50% of the wages. It is further admitted fact that there are certain excluded employees whose contribution has also been sought by the respondent.

Considering the above facts, no case of complete waiver is made out. Appellant is directed to deposit the amount of Rs.5Lakhs within six weeks of passing of this order by way of FDR favouring Registrar CGIT initially for a period of one year having auto renewal mode thereafter. Put up for filing of reply on 04.12.2025. In the meanwhile, interim orders to continue till next date of hearing.

[redacted]
ing Officer)