

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, No. 1 DELHI**

Item no.- 2

D-1/19/2024

M/s Rays Power Experts Pvt. Ltd. vs. APFC/RPFC Delhi Central.

Present: Sh. Siddhart Jha, proxy counsel on behalf of Mr. Prakash
Kumar, Ld. Counsel for the appellant.
Sh. Rahul Kumar Verma, Ld. Counsel for the respondent.

Order dated-12.09.2025

Counsel for the respondent has placed on record, the draft of Rs. 20, 05,840/-. A Copy of the same is given to the proxy counsel of the appellant. Let the matter be heard on the misc. application under section 7-O of the EPF & MP Act, 1952 on 13.10.2025.

Atul Kumar Garg
(Presiding Officer)

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, DELHI**

D-1/20/2024 & D-1/21/2024

M/s Sun Dial Securities and Manpower Solutions vs. APFC/RPFC South.

Present: Sh. K.K. Pandey, Ld. Counsel for the Appellant.
Sh. B.B. Pradhan, Ld. Counsel & Sh. Prateek Tyagi, A/R for the
Respondent.

Order dated-12.09.2025

ORAL

1. These two appeals are preferred by the appellant assailing two different orders passed on 02.02.2024 under section **7A of the EPF & MP Act, 1952 (hereinafter referred as the Act)** wherein the respondent has assessed an amount of Rs.6,14,557/- for the period 08/2016 to 03/2018 and Rs.19,18,970/- for the period 04/2018 to 11/2018 as EPF and allied dues.
2. Today the appeals are listed for arguments on misc. application filed for waiver of the pre deposit amount as mandated u/s 70 of the Act. During the proceedings conducted on 19.08.2025, this tribunal had directed the respondent to provide record of such employees which have been treated as excluded employees by the appellant but the Assessing Officer is treated those employees as covered employees for assessment of dues to be paid for them.
3. During the course of arguments, Id. Counsel for the appellant submitted that both these orders, though passed separately, are infact based on a single report dated 23.01.2024 submitted by Sh. J.P. Meena, Enforcement Officer. He further submitted that both these orders are replica of each other in which the assessing authority has not applied his mind while determining the dues as no explanation of the basis and determination of the beneficiaries has been done. He further stated that the appellant had submitted form-11 of the employees who did not want to

be member of the EPF but the said fact has not been considered by the Enforcement Officer as well as the Assessing Officer while determining the dues.

4. Ld. Counsel for the appellant also drew the attention of this tribunal towards the deposition clause of the impugned order as well as the EO report which states that the assessment has been made taking into account the average of amount paid for three months (April 2018, June 2018, & July 2018). He further prayed that as it is clear from the base of this assessment that amount has been determined without considering the records and facts brought before the assessing authority, the matter be remanded back for fresh adjudication after considering all the submission and record of the appellant.

5. Ld. Counsel for the respondent also submitted that there is no point to hear this appeal as he admitted that the orders are suffering from certain illegalities and deformities because except the findings made by the assessing officer, the orders are exact replica of each other. He also prayed to remand the matter for fresh adjudication and also requested that the appellant be directed to produce the complete record before the respondent authority and cooperate with the enquiry.

6. I have heard the arguments and gone through the record. Both these order are based on the similar finding of the respondent authority which is reproduced as under:-

Findings

*49. It is a matter of fact that present inquiry is going on for last more than three years and it is also matter of fact that the establishment has been adopting dilatory tactics to evade **the 7A inquiry** by non-producing the records for which various summons/notices/adjournments were given to the establishment.*

50. After considering the submissions made by the establishment and the records submitted by the

*establishment, it is seen that the Departmental Representative has given his detailed finding in the report dated 23.01.2024 and prima facie there is no reason to disagree with the same. Therefore, after considering the submission and averments made by the Departmental Representative in his Deposition/ Report in respect of the inquiry and perusing the relevant facts and documents on records placed before the undersigned, it becomes my onus is to conclude the inquiry without further adjournment because justice delayed means justice denied. **The establishment is a regular defaulter which is evident from the number of times the payment has been delayed by them which clearly shows that the establishment has mens rea (ill Intention) just to deprive the benefits to eligible employees on time and to get illegal business benefits from the proceeds.** The acts of the establishment ultimately defeat the purpose/ ethos of social security legislation and the Principal employer, M/s Bliss Inn International cannot escape from its responsibility towards workers as well for which Department may take legal action accordingly.*

7. A bare perusal of the findings made by the respondent authority reveals that the assessment has been made without consideration of the facts and records of the case as the findings mentioned by him does not appear to be related with an assessment passed under section 7A of the Act. Rather the findings are related to belated payment of dues and assessment of damages which shows that both the orders suffer from patent illegalities and non-application of mind by the assessing officer.

8. In view of the above, there is no point to carry on with these appeals before this tribunal. Therefore, both these orders dated 02.02.2024 passed by the Assessing Officer are set aside and these appeals are remanded back for fresh adjudication by the respondent authority within a period of four

months. The appellant is directed to remain present before the respondent authority on 06.10.2025 when the matter shall be heard afresh. The appellant is also directed to cooperate with the proceedings before the respondent authority. A copy of this order be sent to both the parties. Consigned the record to the record rooms. A Copy of this order is placed in both the files.

Atul Kumar Garg
(Presiding Officer)

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, No. 1 DELHI**

Item no.- 5

D-1/17/2023

M/s B. Budh Singh Gulab Singh vs. APFC/RPFC Delhi (West).

Present: Sh. Chetan Singh, Proxy Counsel for the appellant.
Sh. B.B Pradhan, Ld. Counsel along with Sandeep, AR for the
respondent.

Order dated-12.09.2025

Proxy counsel for the appellant seeks time for filing of rejoinder. Put up for final argument on 09.12.2025. Appellant is at liberty to file the rejoinder within four weeks from today, otherwise right to filing the rejoinder will be closed. Filing of rejoinder be listed before the registrar.

Atul Kumar Garg
(Presiding Officer)

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, No. 1 DELHI**

Item no.- 6

D-1/49/2024

M/s Bandana Electricals vs. APFC/RPFC Delhi East.

Present: Sh. S.K. Gupta, Proxy counsel for Sh. Rajiv Shukla, Ld. Counsel
for the appellant.
Sh. Narender Kumar, Ld. Counsel along with Sunil Ranjan, AR
for the respondent.

Order dated-12.09.2025

Rejoinder is required to be filed by the appellant, however, proxy counsel of the appellant submits that he is not aware about filing of the rejoinder. Appellant is at liberty to file the rejoinder within four weeks from today, otherwise right to filing of rejoinder will be closed. List this matter for final argument on 05.12.2025. Filing of rejoinder be listed before the registrar.

Atul Kumar Garg
(Presiding Officer)

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, No. 1 DELHI**

Item no.- 7

D-1/27/2025

**M/s Skyline Air Conditioning Engineers Pvt. vs. APFC/RPFC Delhi South,
AGM (TMD) NTPC Ltd.**

Present: Sh. S.K. Gupta, Proxy counsel for Sh. Rajiv Shukla, Ld. Counsel
for the appellant.
Sh. S.N Mahanta, Ld. Counsel along with Prateek Tyagi, AR
for the respondent.

Order dated-12.09.2025

Counsel for the respondent seeks time for filing of the reply. He is directed to file the reply within four weeks, thereafter; appellant after receiving the copy of the same is directed to file the rejoinder within next three weeks. List the matter on 05.12.2025 for final argument. Filing of reply and rejoinder be listed before the registrar.

Atul Kumar Garg
(Presiding Officer)

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, No. 1 DELHI**

Item no.- 9

D-1/62/2019

M/s Mohan Enterprises vs. APFC/RPFC Delhi East.

Present: Sh. J.N Sharma & Sh. Bhupesh Sharma Ld. Counsels for the
appellant.
Sh. Rajesh Kumar, Ld. Counsel for the respondent.

Order dated-12.09.2025

Counsel for the appellant seeks time for final argument stating that he is not prepared today for arguing the matter. At request, the case is adjourned to 01.12.2025 for final argument.

Atul Kumar Garg
(Presiding Officer)

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, No. 1 DELHI**

Item no.- 10

D-1/76/2019

M/s Guru Solutions Ltd. vs. APFC/RPFC Delhi East.

Present: None for the appellant.
 Sh. Narender Kumar, Ld. Counsel along with Sunil Ranjan, AR
 for the respondent.

Order dated-12.09.2025

Record perused. This matter has been listed for final argument from several dates, however, appellant has not been appearing since long. Letter head of the appellant has been provided by the respondent. Registry is directed to send the information on mail address as well on the whatsapp number of the advocate mentioned in the vakalatnama through official phone. Put up for 05.12.2025 for final argument.

Atul Kumar Garg
(Presiding Officer)

