CGIT-1/EPFA/31 OF 2022

09.9.2022

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1

MUMBAI

Present
Smt.Pranita Mohanty

M/s. Padmashri Dr.Vithalrao Patil Sahakari Sakhar Karkhana Ltd. .. Appellant

Vs

Regional Provident Fund Commissioner Ahmednagar ... Respondent

Presence:

For the Appellant : Mr.V.Kamble, Adv.

For the Respondent : Absent.

ORDER

This order is for admission of the appeal filed by the appellant challenging the order dt 08/03/2021 passed by the RPFC Ahemadnagar u/s 7A of the EPF&MP Act assessing Rs 3,76,231/- as the omitted PF contribution of an employee named Mr. Sitaram Dagadu Tambe for the period 12/1976 to 11/2010.

Notice to the Respondent was issued on 1/08/2022 by Regd. Post. but no one appeared to represent the respondent when called.

Perusal of the report of the registry shows that the appeal has been filed within the period of limitation prescribed under the Rule.

The learned counsel for the appellant submitted that the appellant on receipt of the notice to show cause had filed an affidavit before the commissioner stating that the complainant was never their employee since 1976, but in Sept 2009 he was appointed for the first time and during the period of his employment appropriate PF deductions and deposits were made. He never raised any dispute in that regard till his retirement. The documents forming basis of his claim are all false and fabricated. But the commissioner never directed the inquiry to ascertain the truth and passed the impugned order which is illegal and arbitrary. He also submitted that the post of the presiding officer being vacant the appellant had no option that approaching the Hon'ble High Court of Bombay in WPC No 5565/2022 and the Hon'ble Court by order dt 27/05/2022 directed the appellant to deposit 75% of the assessed amount as a pre condition for interim stay on execution of the impugned order. That direction has been complied and there is an interim stay on execution of the impugned order till disposal of the appeal. Proof of compliance has been placed on record.

Considering the submission, the appeal is admitted since the provision of sec 7-O has been complied. List the matter on--7/12/22-----------for reply to be filed by the Respondent.

[redacted]

PRESIDING OFFICER

CGIT-1 MUMBAI