

CGIT-1/EPFA/51 of 2022

18.10.2022

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1

MUMBAI

Present

Smt.Pranita Mohanty
Presiding Officer

M/s. Balaji Interior ... Appellant

Vs

Assistant Provident Fund commissioner ... Respondent

Presence:

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

For the Respondent : Mrs.Jyoti Panvalkar, Adv.

ORDER

This order deals with the admission of the appeal filed by the appellant challenging the order passed u/s 7A and 7B of the EPF and MP Act and the separate petitions filed for condonation of delay, for waiver of the condition for pre deposit and for interim stay of interim order. The matter was heard being argued by the Ld. Counsel for both the parties.

The Ld. Counsel for the appellant submitted that the order u/s 7A was passed on 31.12.2019. Being aggrieved by the said order the appellant establishment filed an application on 06.02.2020 u/s 7B of the Act i.e within the stipulated time of 45 days. The respondent passed the order on the said 7B application on 02.03.2021. But the said order was received by the appellant on 19.08.2022 after repeated reminders sent by the appellant to know the status of his 7B application. In the meantime the Hon'ble High Court of Bombay, Aurangabad Bench, was pleased to pass an order on 09.03.2022 in WPC NO. 3363 of 2022 observing that if any order rejecting the 7B application is passed, the same would merge in the order passed u/s 7A and the petitioner would be at liberty to prefer an appeal u/s 7I of the Act. Thus, the appellant has pleaded that there is no delay in filling the appeal.

The Ld. Counsel for the respondent took serious objection with regard to the dates of communication of the order as stated by the appellant in the memo of appeal. On behalf of the respondent it was mentioned that the records need to be verified and a detail reply need to be filed on the application for condonation of delay.

The appellant on the contrary expressed apprehension that the respondent may take recovery action in the mean time.

Considering the submissions, it is felt necessary to pass an interim order of protection in favour of the appellant, pending disposal of the delay condonation application and admission of the appeal. It is therefore, directed that there would be interim stay on the execution of the impugned order passed u/s 7A and 7B till

disposal of the application for condonation of delay and the respondent authority shall refrain from taking any coercive action against the appellant in respect of the impugned order until further order. A copy of the order be communicated to the respondent forthwith. Call the matter on 12.12.2022 for reply and consideration of the delay condonation application consideration of the application file u/s 7-O and admission of the appeal.

PRESIDING OFFICER

CGIT NO.1 MUMBAI