

7A proceedings of the 'Act' - Held on 10th Aug. '99

Present:-

Shri Ashok Bhai, Clerk  
on behalf of the estt.

Smt. Geeta Kosti,  
on behalf of SENA

Shri K. J. Sondharva, AO  
on behalf of the depts.

The matter relates to seeking compliance of dues and for assessment of the same as per 7A notice dtd. 14/7/'98. This notice was issued consequent upon directions of the Hon'ble EPF Appellate Tribunal dtd. 4/2/'98. However, it is reported that the estt. appealed against this order in the Hon'ble High Court of Gujarat who vide its orders dtd. 23rd April '99 as well as order dtd. 23rd June '99 had given the following directions.

1. Order dtd. 23/4/'99 - ' It is hereby accordingly ordered that, you, your servants and agents and are hereby directed to complete the determination proceedings as ordered under the impugned order dtd. 4th Feb. '98, however, shall not implement the same without the express permission of this Court on condition that the petitioner-company shall make the contribution towards the Provident fund for the respective home-workers in accordance with the impugned decision. It is further ordered that, The quantification proceedings shall be completed within a period of four months from today (i.e., 23/4/'99)'.

**ORAL ORDER**

'Heard learned advocates for the respective parties, Learned advocate Mr. Patel appearing for the petitioner moves a draft amendment which is objected to by Ms. Rani Advani, learned advocate appearing for the respondent no. 2. The amendment is granted on condition that the same shall be carried out within a period of 10 days from today.

Rule. By way of interim relief, the respondent no. 1 is directed to complete the determination proceedings as ordered under the impugned order dtd. 4/2/'98, however, shall not implement the same without the express permission of this Court, on condition that the petitioner-company shall make the contribution towards the provident fund for the respective home-workers in accordance with the impugned decision. The quantification proceedings shall be completed within a period of four months from today.'

-contd.

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Since then the proceedings are going on but without any signic progres. Smt. Koshi submits that she has already given the list of employees' who had worked with the estt. as well as are still working with the estt. Some of them have died also during the period. Their number is 154 having employment in the estt. since the date of contract. She further submits that a copy of which has already been given to the estt. during earlier proceedings. She requests for assesment of PF dues in respect of these employees'. On inquiry, relating to date of joining and employment period, she assures to file a statement in this regard in respect of all these employees'. Shri Sondharva, EO has nothing to say at this stage. He however, request for submission of monthwise as well as yearwise details of wages in respect of these employees' for which Smt. Koshi assures to file the same.

However, Shri Ashokbhai files a letter dtd. 10/08/'99 from the estt. requesting therein for short adjournment with the plea that the owner is out of station and shall be back by 13th Aug.

In the light of the above facts, the proceedings are adjourned to 17th Aug. '99 at 2.00 p.m. with the direction to the estt. to produce the records relating to the period of contract as well as other records related to this inquiry. Smt. Kosti is also directed to file the written submissions alongwith the details as detailed hereinabove.

( DR. A. K. CHANDOK )  
APFC(I).