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CRP No. 1683 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-09-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE N. MALA**

**CRP No. 1683 of 2023**

**and**

**CMP No.15221 of 2023**

M/s.Asian Printers,  
No.25 Peters Road,  
Royapettah,  
Chennai-600 014.

Petitioner(s)

Vs

The Assistant P.F. Commissioner (Comp),  
Employees Provident Fund Organisation,  
Regional Office, 37,  
Royapettah High Road,  
Chennai, Tamil Nadu-600 014.

Respondent(s)

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Order in EPFA No.38 of 2022 dated 19.12.2022 passed by the Central Government Industrial Tribunal cum Labour Court, Chennai, Tamilnadu.

For Petitioner(s): Mr.G.Muthukumar

For Respondent(s): Mr.R.Vishnu



## **ORDER**

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The petitioner challenged the 7-A order dated 09.03.2021, before the Central Government Industrial Tribunal cum Labour Court in EPFA No.38 of 2022, dated 19.12.2022.

2. In the aforesaid appeal on 12.05.2022, an order was passed directing the petitioner to deposit 75 % of the total dues determined under the 7-A order as mandated under Section 7(O) of the EPF & MP Act, 1952. The petitioner was directed to deposit the said sum on or before 13.06.2022. As the petitioner failed to comply with the order, the appeal was dismissed for non compliance of the mandatory provisions of Section 7(O) of the Act. Aggrieved by the dismissal of the appeal, on the ground of non compliance of the mandatory provisions of Section 7(O) of the Act, the petitioner filed the above Civil Revision Petition.

3. The learned counsel for the petitioner submitted that the complainant submitted his complaint with an inordinate delay of 19 years and that the statement of salary of the complainant was incorrect, and an unauthenticated



document. The learned counsel submitted that the petitioner had a good case on merits and therefore in the interest of justice, the petitioner should be given an opportunity to contest the case on merits. The learned counsel for the respondent vehemently opposed the petitioner's submissions.

4. I heard both the learned counsels and perused the materials placed on record.

5. Section 7(O) of the Employees Provident Fund and M.P Act 1952, reads as follows:

*“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 7-A:*

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

The Tribunal declined to invoke the proviso, on the ground that the petitioner adopted delaying tactics, to get rid of its liabilities under the Act and



also that petitioner was not a Model Employer, since it deprived the complainant of his statutory entitlement for 18 years. For the aforesaid reasons, the Tribunal thought, that it was not a fit case to waive partially the conditional pre-deposit.

6. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that impugned order may be set aside giving an opportunity to the petitioner to contest the matter on merit by permitting him to deposit 50% of the amount determined under 7-A order.

7. Upon consideration of the materials on record, this Court is satisfied that the petitioner has got a good case on merits. Accordingly, in the considered view of this Court, it would be just and proper to afford the petitioner an opportunity to contest the matter on its merits. Hence the following directions are issued:

i) The petitioner is directed to remit 50% of the amount determined under Section 7-A order i.e. Rs.50% of **Rs.1,97,710/- (Rupees One Lakh Ninety Seven Thousand Seven Hundred and Ten)** on or before **10.10.2025**, to the



respondent.

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ii) On deposit of the said amount, the petitioner shall within a week, apply for restoration of the application, enclosing the copy of this order and proof of deposit.

iii) On the filing of the restoration application, the Central Government Industrial Tribunal cum Labour Court, Chennai, shall take up the appeal on file and pass orders on merits and in accordance with law, within a period of eight weeks thereafter.

Civil Revision Petition is accordingly disposed of. Consequently, the connected miscellaneous petition is closed.

dsn

**24-09-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

To

The Assistant P.F. Commissioner (Comp),  
Employees Provident Fund Organisation,  
Regional Office, 37,  
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Chennai -600 014.



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**N.MALA J.**

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