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ఉద్యోగుల భవిష్యనిధి సంస్థ
कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation
(కార్మిక మరియు ఉపాధి మంత్రిత్వ శాఖ / శ్రమ एवं रोजगार मंत्रालय / Ministry of Labour & Employment)
భారత ప్రభుత్వం / भारत सरकार / Govt. of India

ప్రాంతీయ కార్యాలయం, బర్కత్పూర్ / क्षेत्रीय कार्यालय, बरकतपुरा / Regional Office, Barkatpura
3-4-763, భవిష్యనిధి భవన్ / भविष्यनिधि भवन / Bhavishyanidhi Bhavan
బర్కత్పూర్ చమన్, హైదరాబాద్ / बरकतपुरा चमन, हैदराबाद / Barkatpura Chaman, Hyderabad - 500027



BEFORE THE ASSISTANT PROVIDENT FUND COMMISSIONER, HYDERABAD TELANGANA STATE

(AUTHORITY UNDER SECTION 7A OF THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952)

PROCEEDINGS UNDER SECTION 7A OF THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952

BETWEEN

M/s Sanskruti Township Flat Owner Welfare Association
Pacharam Block No – A 21, Ghatkesar,
Hyderabad – 500 058.

AP/HYD/0073960

AND

Employees Provident Fund Organisation
Bhavishyanidhi Bhawan, No. 3-4-763
Barkatpura Chaman,
Hyderabad – 500 027.

APPEARENCES

Ms P.N. Indira Priya Darshini
Secretary

Sri Sandeep Kumar Reddy
Enforcement Officer

M/s Sanskruti Township Flat Owner Welfare Association, Pacharam Block No- A 21, Ghatkesar, Hyderabad – 500 058 is an establishment covered under the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (herein after called “The Act”) with effect from

01-09-2009 vide PF code no. AP/HYD/0073960. On the basis of Inspection Report submitted by Enforcement Officer in respect of the Establishment, it was noticed that the employer of the above establishment has failed to comply with the provisions of the Act and scheme framed there under, the PF contribution and allied dues for the period from **04/2021 to 08/2023** were not paid in accordance

with the provisions of the Act applicable to the establishment. In view of the above, an inquiry under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 was considered necessary and the same was initiated and the case was posted to 15-11-2023 with due intimation to the employer vide Summons Notice No. TS/RO/HYD(BKP)/73960/C-II/T-2/2023-24 dated 13-09-2023.

Case called on 15-11-2023, Ms P.N. Indira Priya Darshini, Secretary of the society appeared. Sri T Sandeep Reddy, Enforcement Officer / Department Representative appeared and stated that the employer has not remitted provident fund dues from 04/2021 to 08/2023 and not submitted relevant documents. Employer representative explained their practical difficulties in their submission filed vide no STFOWA/F-PF/D.NO.51/2023 dated 14/11/2023. The legal provisions were explained to her and advised to produce the records as per summons. The inquiry is adjourned and posted to 29/11/2023

Case called on 29/11/2023 , Ms. P.N. Indira Priya Darshini, Secretary of the Society appeared she has stated that they have submitted documents to the PRO section. The Enforcement Officer/Department Representative is on election duty. The inquiry is adjourned and posted to 13/12/2023

Case called on 13/12/2023, . P.N. Indira Priya Darshini, Secretary of the Society appeared she has stated that they have produced records. Sri. T.Sandeep Reddy, Enforcement Officer/Department Representative appeared and stated that he would submit his final deposition within a week. The inquiry is adjourned and posted to 27/12/2023

Case called on 27/12/2023. Ms. P.N. Indira Priya Darshini, Secretary of the Society appeared she has stated that they have produced records. Sri. T.Sandeep Reddy, Enforcement Officer/Department Representative appeared and stated that he would submit his final deposition within a week. The inquiry is adjourned and posted to 10/01/2024.

Case called on 10/01/2024. None appeared, and no communication was received. The inquiry is adjourned and posted to 24/01/2024.

Case called on 24/01/2024. Due to administrative exigencies, the inquiry could not be conducted. The inquiry is adjourned and posted to 08/02/2024

Case called on 08/02/2024.. None appeared, and no communication was received. The inquiry is adjourned and posted to 22/02/2024

Case called on 22/02/2024. None appeared, and no communication was received. The inquiry is adjourned and posted to 7/03/2024.

Case called on 07/03/2024. Ms. P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he has filed his report. The employer representative also confirmed that she had received the report through email. She has requested time for filing their submissions. The inquiry is adjourned and posted to 20/03/2024

Case called on 20/03/2024. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he has filed his report. The employer representative requested one more month for verification of records. The Department Representative stated that as per the records produced by the establishment, the dues arrived. The secretary is advised to complete the verification immediately and file their submissions before next date of inquiry. The inquiry is adjourned and posted to 27/03/2024.

Case called on 27/03/2024. . None appeared, and no communication was received. The

inquiry is adjourned and posted to 10/04/2024.

Case called on 10/04/2024. None appeared no communication was received. The inquiry is adjourned and posted to 18/04/2024

Case called on 18/04/2024. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he has filed his report. The secretary is advised to complete the verification immediately and file their submissions before the next date of inquiry. The inquiry is adjourned and posted to 01/05/2024

Case called on 01/05/2024. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he has filed his report. The employer representative stated that they had submitted a letter seeking time up to 31/05/2024. The letter also contained the code number of contractor M/s Sri Sai Security Facility AP/HYD/2362480. The contractor has not complied with the employees engaged by the present employer. Hence, as per para 30 of the Scheme, the responsibility lies on the principal employer. The employer was granted maximum opportunities after final submissions by the Department Representative (Served on employer 07/03/2024), but no submissions were failed on the final deposition of DR. However, the representative requested that on 03/05/2024 she will physically appear and discuss the legal issues. In the interest of serving natural justice, the inquiry is adjourned and posted to 03/05/2024 in physical mode.

Case called on 03/05/2024..Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared. The Employer representative raised the legal issues on contract employees and employees attained the age of 58 years. All the legal issues were clarified and the final opportunity was granted for filing of submissions. The inquiry is adjourned and posted to 22/05/2024.

Case called on 22/05/2024.. None appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he has filed his report. Ample time was allowed to verify the deposition by the DR and to file submissions on the report of the DR. The employer failed to file their submissions. The employer time and again requesting time without stating valid reason. The inquiry cannot be prolonged further. The employer is allowed a final chance and if false to submit the Assisting Officer will proceed with the report of the DR. The inquiry is adjourned and posted to 29/05/2024

Case called on 29/05/2024. Case called today. None appeared, and no communication was received. The inquiry is adjourned and posted to 05/06/2024

Case called on 05/06/2024. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. She has stated that they have verified the report of the EO/Department Representative and requested a short adjournment for complete verification of the report. The employer has given them maximum time, she is allowed time up to 07/06/2024 for verification. The Secretary's submissions, no issues are found in the report. Hence, The inquiry is concluded and the final orders will be issued on 12/06/2024.

Case called on 13/06/2024. None appeared and no communication was received. Sri. T.Sandeep Reddy, EO/Department Representative appeared. He is advised to verify the calculations provided by the employer representative and submit his final deposition. The inquiry is adjourned and posted to 19/06/2024.

Case called on 19/06/2024. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he has filed his report. The Department Representative stated that the calculation was shared by the employer representative, not in accordance with the records and required clarifications. The employer

representative is advised to provide the clarifications. The inquiry is adjourned and posted to 03/07/2024.

Case called on 03/07/2024. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he had filed his report. The employer representative stated that there were some discrepancies in the calculations. The DR is advised to visit the establishment to verify the records and reconcile the report with the clarifications provided by the employer. The inquiry is adjourned and posted to 17/07/2024

Case called on 17/07/2024. Due to the holiday, the inquiry could not be conducted. The inquiry is adjourned and posted to 31/07/2024

Case called on 31/07/2024..Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he had filed his report. The employer representative requested time for filing their submissions. The inquiry is adjourned and posted to 02/08/2024

Case called on 02/08/2024. The case could not be conducted today. The inquiry is adjourned and posted to 07/08/2024.

Case called on 07/08/2024. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. Sri. T. Sandeep Reddy, EO/ Department Representative appeared and stated that he had filed his report. The employer representative stated that though the calculation of dues is as per the records provided by the establishment, she has required some legal clarifications. She requested to have the inquiry in physical mode to discuss the legal issues. The inquiry is adjourned and posted to 08/08/2024 in physical mode

Case called on 08/08/2024. The employer representative requested to conduct the inquiry in physical mode. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. She stated that the dues were calculated on the consolidated salaries without considering the allowances but no documentary evidence was provided. Sri. T Sandeep Kumar Reddy, EO stated that at the time of inspection of records, the data was provided with consolidated wages and the dues were arrived accordingly. The Enforcement Officer has submitted his report duly calculating the dues in the month of March 2024 and the same was forwarded to the employer. Maximum opportunities were given to the employer to conclude their submissions. The submissions from both sides is completed, hence, the inquiry is concluded.

I have gone through the records placed before the inquiry.

The major issue raised by the Employer representative on contract employees and employees attained the age of 58 years. All the legal issues were clarified as under:

The contractor has not complied with the employees engaged by the present employer. Hence, as per para 30 of the Scheme, the responsibility lies on the principal employer. As per Para 30(3) of the EPF Scheme, it shall be the responsibility of the principal employer to pay both the contributions payable by him in respect of the employees directly employed by him and also in respect of the employees employed through a contractor, as also administrative charges. The employer representative stated that the dues of the contractor were included in the Enforcement Officer report and provide the code number of the contractor M/s Sri Sai Security Facility has a separate code number AP/HYD/2362480, and the compliance of the contract employees will be taken up separately. A note may be issued to concern compliance division for taking necessary action for verification of compliance position. However, the ultimate responsibility will be on the Principal employer.

Section 2(f): Excluded employee means “an employee who, having a member of the fund, withdrew the full amount of his accumulations in the Fund under clause(a) or (C) of Sub-paragraph(1)

of Paragraph 69;

Though the employer representative stated that some of the employees are above the age of 58 but not fall under the definition of excluded employees.

As per the daily order sheets, the Enforcement Officer / Department Representative submitted his deposition on 07/03/2024, the employer representative raised that the dues calculation arrived by the Department Representative is on the total salary but not on the earned salary. The Department Representative was asked to reverify the dues based on the actual basic wages earned by the employees.

The employer representative requested to conduct the inquiry in physical mode. Ms P.N. Indira Priya Darshini, Secretary of the Society appeared. She stated that the dues were calculated on the consolidated salaries without considering the allowances but no documentary evidence was provided. Sri. T Sandeep Kumar Reddy, EO stated that at the time of inspection of records, the data was provided with consolidated wages and the dues were arrived accordingly. As verified the wages were taken as per definition of Basic wages under section 2(b) of the Act.

As the salaries were paid on a consolidated basis without splitting into any allowance. Hence, the dues were arrived based on records produced before the Enforcement Officer. The overtime allowance which was included earlier by the Enforcement Officer was corrected by recalculated by excluding Over time allowances.

The Enforcement Officer has submitted his report duly calculating the dues in the month of March 2024 and the same was forwarded to the employer. Maximum opportunities were given to the employer to conclude their submissions.

I have gone through the records and also heard from both parties. The submissions and the records placed are taken on records. The dues calculated by the Enforcement Officer/Department Representative are as per the records produced by the Employer representative. The arguments and the legal clarification sought by the establishment were clearly explained and the provisions were also made available to the representative of the establishment.

Based on same salary statements produced by the employer, dues were calculating by excluding Overtime Wages in respect of Employees directly engaged by Employer. Further in respect of Employees engaged in contract, Employer has provided P.F. coverage details of contractor. As the Employer accepted the dues and the submissions of both the parties are in consonance, the inquiry is concluded by assessing the dues.

Therefore the inquiry is concluded basing on the Enforcement Officer report dated 30/07/2024. The month-wise details of the dues for the inquiry period from **04/2021 to 08/2023** are **furnished here**

TOTAL DUES in r.o SANSKRUTHI TOWNSHIP FLAT OWNER WELFARE ASSOCIATION APHYD0073960000												
S No	MONTH	EPF	EPS	AC/1		VPF	A/C 1	A/C 2	A/C 10	A/C 21	AC/22	TOTAL
		WAGES	WAGES	EE	ER							
1	Apr-21	1457193	1457193	174863	53479		228342	7286	121384	7286	0	364298

2	May-21	1421679	1421679	170601	52175		222776	7108	118426	7108	0	355418
3	Jun-21	1338311	1338311	160597	49116		209713	6692	111481	6692	0	334578
4	Jul-21	1322594	1322594	158711	48539		207250	6613	110172	6613	0	330648
5	Aug-21	1304947	1304947	156594	47892		204486	6525	108702	6525	0	326238
6	Sep-21	1331343	1331343	159761	48860		208621	6657	110901	6657	0	332836
7	Oct-21	1375232	1375232	165028	50471		215499	6876	114557	6876	0	343808
8	Nov-21	1338024	1338024	160563	49106		209669	6690	111457	6690	0	334506
9	Dec-21	1336675	1336675	160401	49056		209457	6683	111345	6683	0	334168
10	Jan-22	1278639	1278639	153437	46926		200363	6393	106511	6393	0	319660
11	Feb-22	1300302	1300302	156036	47721		203757	6502	108315	6502	0	325076
12	Mar-22	1274361	1274361	152923	46769		199692	6372	106154	6372	0	318590
13	Apr-22	1482538	1482538	177905	54410		232315	7413	123495	7413	0	370636
14	May-22	1354706	1354706	162565	49718		212283	6774	112847	6774	0	338678
15	Jun-22	1378178	1378178	165381	50579		215960	6891	114802	6891	0	344544
16	Jul-22	1425081	1425081	171010	52301		223311	7125	118709	7125	0	356270
17	Aug-22	1360159	1360159	163219	49918		213137	6801	113301	6801	0	340040
18	Sep-22	1481378	1481378	177765	54366		232131	7407	123399	7407	0	370344
19	Oct-22	1423436	1423436	170812	52240		223052	7117	118572	7117	0	355858
20	Nov-22	1627092	1627092	195251	59714		254965	8135	135537	8135	0	406772
21	Dec-22	1545937	1545937	185512	56735		242247	7730	128777	7730	0	386484
22	Jan-23	1549974	1549974	185997	56884		242881	7750	129113	7750	0	387494
23	Feb-23	1531217	1531217	183746	56196		239942	7656	127550	7656	0	382804
24	Mar-23	1520335	1520335	182440	55796		238236	7602	126644	7602	0	380084
25	Apr-23	1583296	1583296	189996	58107		248103	7916	131889	7916	0	395824

26	May-23	1574195	1574195	188903	57773		246676	7871	131130	7871	0	393548
27	Jun-23	1742646	1742646	209118	63956		273074	8713	145162	8713	0	435662
28	Jul-23	1725982	1725982	207118	63344		270462	8630	143774	8630	0	431496
29	Aug-23	1676731	1676731	201208	61536		262744	8384	139672	8384	0	419184
TOTAL		42062181	42062181	5047461	1543683	0	6591144	210312	3503778	210312	0	10515546

REMITTANCES AS PER EPFO CHALLAN INQUIRY in r.o SANSKRUTHI TOWNSHIP FLAT OWNER WELFARE ASSOCIATION APHYD0073960000							
S No	MONTH	A/C 1	A/C2	A/C 10	A/C 21	A/C 22	TOTAL
1	Apr-21	18192	718	11971	718	0	31599
2	May-21	18192	718	11971	718	0	31599
3	Jun-21	18192	718	11971	718	0	31599
4	Jul-21	32326	1031	17172	1050	0	51579
5	Aug-21	29201	931	15531	903	200	46766
6	Sep-21	29201	931	15531	903	0	46566
7	Oct-21	13283	500	7055	425	0	21263
8	Nov-21	13283	500	7055	425	0	21263
9	Dec-21	13624	500	7236	436	0	21796
10	Jan-22	13624	500	7236	436	0	21796
11	Feb-22	13624	500	7236	436	0	21796
12	Mar-22	13624	500	7236	436	0	21796
13	Apr-22	40129	1281	21333	1285	0	64028

14	May-22	32930	1035	16750	1005	0	51720
15	Jun-22	32930	1035	16750	1005	0	51720
16	Jul-22	32930	1035	16750	1005	0	51720
17	Aug-22	32930	1035	16750	1005	0	51720
18	Sep-22	32930	1035	16750	1005	0	51720
19	Oct-22	32930	1035	16750	1005	0	51720
20	Nov-22	32930	1035	16750	1005	0	51720
21	Dec-22	32930	1035	16750	1005	0	51720
22	Jan-23	32930	1035	16750	1005	0	51720
23	Feb-23	33180	1035	16500	990	0	51705
24	Mar-23	33180	1035	16500	990	0	51705
25	Apr-23	33180	1035	16500	990	0	51705
26	May-23	30360	945	15000	900	0	47205
27	Jun-23	30360	945	15000	900	0	47205
28	Jul-23	28010	870	13750	825	0	43455
29	Aug-23	26537	823	12967	778	0	41105
	Total	777672	25331	405501	24307	200	1233011

BALANCE DUES TO BE PAID IN R/O SANSKRUTHI TOWNSHIP FLAT WELFARE ASSOCIATION AP/HYD/73960							
S No	MONTH	A/C 1	A/C 2	A/C 10	A/C 21	A/C 22	TOTAL
1	Apr-21	210150	6568	109413	6568	0	332699

2	May-21	204584	6390	106455	6390	0	323819
3	Jun-21	191521	5974	99510	5974	0	302979
4	Jul-21	174924	5582	93000	5563	0	279069
5	Aug-21	175285	5594	93171	5622	0	279672
6	Sep-21	179420	5726	95370	5754	0	286270
7	Oct-21	202216	6376	107502	6451	0	322545
8	Nov-21	196386	6190	104402	6265	0	313243
9	Dec-21	195833	6183	104109	6247	0	312372
10	Jan-22	186739	5893	99275	5957	0	297864
11	Feb-22	190133	6002	101079	6066	0	303280
12	Mar-22	186068	5872	98918	5936	0	296794
13	Apr-22	192186	6132	102162	6128	0	306608
14	May-22	179353	5739	96097	5769	0	286958
15	Jun-22	183030	5856	98052	5886	0	292824
16	Jul-22	190381	6090	101959	6120	0	304550
17	Aug-22	180207	5766	96551	5796	0	288320
18	Sep-22	199201	6372	106649	6402	0	318624
19	Oct-22	190122	6082	101822	6112	0	304138
20	Nov-22	222035	7100	118787	7130	0	355052
21	Dec-22	209317	6695	112027	6725	0	334764
22	Jan-23	209951	6715	112363	6745	0	335774
23	Feb-23	206762	6621	111050	6666	0	331099
24	Mar-23	205056	6567	110144	6612	0	328379
25	Apr-23	214923	6881	115389	6926	0	344119

26	May-23	216316	6926	116130	6971	0	346343
27	Jun-23	242714	7768	130162	7813	0	388457
28	Jul-23	242452	7760	130024	7805	0	388041
29	Aug-23	236207	7561	126705	7606	0	378079
TOTAL		5813472	184981	3098277	186005	0	9282735

Having applied my mind and the documents and evidences submitted before me and in exercise of the powers conferred upon me under Section 7A of Employees' Provident Funds and Miscellaneous Provisions Act, 1952, **I G RAMMOHAN, ASSISTANT PROVIDENT FUND COMMISSIONER, REGIONAL OFFICE-I, HYDERABAD (BARKATPURA), TELANGANA**, do here by **Rs. ,92, 82, 735.-** (in words **NINTY TWO LAKHS EIGHTY TWO THOUSAND SEVEN HUNDRED AND THIRTY FIVE only**) as due towards provident fund and allied dues under various heads of accounts as detailed above, for inquiry period 04/2021 to 08/2023.

I G RAMMOHAN, ASSISTANT PF COMMISSIONER hereby direct the employer of the said establishment to pay the said amount immediately.

The orders for the payment of dues as mentioned above will not absolve the employer of his liability to pay damages contemplated under section 14B of the Act and the Interest u/s 7Q of the Act and the other actions under Provident Funds and Miscellaneous Provisions Act, 1952 that may be taken against the establishment where the payments are not made within the due date.

The present order is based on the material information, records and documents, submissions made and deposition field before me during the course of inquiry and if anything comes to or is bought to my notice in future which may prima facie prove that certain information could be made against the establishment. The present order may be subject to review and remedial action as prescribed under Section 7B and 7C of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, and not withstanding anything envisaged u/s 8B to 8G, Section 14 of the Act read with Para 76 of the EPF Scheme, 1952.

Issued under my signature and seal on the 21st day of August, 2024.

Digitally Signed by G Ram
Mohan Rao

(G RAMMOHAN) 2024 17:38:09

ASSISTANT P F COMMISSIONER (COMPLAINTS & APPEALS)
AUTHORITY U/S 7A OF EPF & MP ACT, 1952
REGIONAL OFFICE, HYDERABAD – I

To
The Employer,
M/s Sanskruti Township Flat Owner Welfare Association

Pacharam Block No – A 21, Ghatkesar,

Hyderabad – 500 058.

Copy to

Sri T Sandeep Kumar Reddy, EO ----- for information