

**IMPORTANT POINTS OF THE FULL JUDGMENTS ON EMPLOYEES'
PROVIDENT FUNDS AND MP ACT FOR THE MONTH OF **SEPTEMBER**
2023**

- Director cannot be prosecuted when he has no control over the day-to-day affairs of the company. Cal. HC
- Even a single day's delay in depositing EPF dues invites penal consequences. Bom. HC
- Although not justifiable for escaping liability, financial crises be overlooked by the EPF authorities. Cal. HC
- Trainees under standing orders not covered under EPF Act. Mad. HC
- Levy of damages alongwith interest can be challenged before the Tribunal, not in the writ petition. Mad. HC
- Stipends paid to apprentices under Apprentices Act are not wages to attract EPF contribution.Mad. HC
- Damages for delayed deposit of EPF contributions only when the employer is properly heard.Karn. HC
- The EPF Act is applicable to municipalities. Mad. HC
- Levy of damages for delayed deposit is a quasi-judicial function hence, defaulters must be given reasonable opportunity. Karn. HC
- Directors are not employees within Explanation 2 of sections 405 and 406 of IPC. Cal. HC
- Trainees getting a stipend are excluded under the EPF Act. Mad. HC
- Workers of contractors are also covered under the EPF Act. Mad. HC
- Discretionary powers to vary the percentage of damages vests with the EPF authority. Karn. HC

- **Penal damages are to be levied for non-deposit of EPF contribution for a terminated employee.Ker. HC**
- **No leniency for levy of damages on habitual defaulting employers even when there were no financial crises. Karn. HC**
- **An order passed for the levy of damages must be a reasoned one.Cal. HC**
- **Fastening liability on excluded establishments is legally unsustainable. Bom. HC**
- **Director is not personally liable to pay EPF dues.Cal. HC**

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