



भारतीय विमानपत्तन प्राधिकरण
AIRPORTS AUTHORITY OF INDIA

No.AAI/ECPF/Pension/2007/

April 30, 2010

The Regional Executive Director,
Airports Authority of India,
Delhi / Mumbai/Chennai/Kolkata/Guwahati

The Executive Director
NIAMAR, Gurgaon Road,
New Delhi

The Airport Director,
Airports Authority of India,
Chennai / Kolkata

The Executive Director
FIU

The Principal, CATC
Allahabad

Sub : Coverage to AAI under EPF & MP Act 1952 – Regarding.

As you are aware that Airports Authority of India (AAI) has since been brought within the ambit of the Employees Provident Fund and Misc. Provisions (EPF & MP) Act, 1952 w.e.f. 01.04.1995 and Regional Provident Fund Commissioner (RPFC) has issued coverage & allotted Code No.DL/36478 vide their communication dated 22.08.2007.


2. As intimated earlier an application was made for relaxation / exemption under Para 27A of Employees Provident Fund Scheme 1952 read with Section 17(2) to the Regional Provident Commissioner-I, Delhi (North) so as to maintain the Provident Fund in-house. The Regional Provident Fund Commissioner-I vide order No.E/DL/36478/Rel./1583 dated 30.04.2010 has now granted relaxation to AAI w.e.f. 01.04.1995, a copy of the order is enclosed as **Annexure-I**.

3. For information to all concerned.

Encl : As above. (Total 07 pages)


(VILAS BHUJANG)

G M (Pers.) & Member – Pension Committee


(SHANKAR CHAUDHARY)

E D (Fin) & Chairman-Pension Committee

Copy to :

- Sr.EA to Chairman
- EA/PS to Member (Ops)/Member (P&A)/Member (Fin)/Member(Ping)/CVO
- All HODs at CHQ / Airport Directors
- Heads of P&A and Finance - NR/WR/SR/ER/NER/Chennai / Kolkata Airports
- GS, AAEU / GS, AAOA(I)/GS,ATC Guild/GS, ACOA, President Engg.(Guild) / GS , IAAOA/GS, SC& ST Welfare Association
- All Trustees & Secretary, ECPF Trust
- Pension Committee Members / Pension Cell
- All Notice Boards / AAI website .



Telephone: 011-27376772
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EMPLOYEES' PROVIDENT FUND ORGANISATION
REGIONAL OFFICE, DELHI (NORTH)
28, Bhavishya Nidhi Bhawan, Wazirpur Industrial Area, Delhi-110052

No. E/DL/ 36478/Rel./ 1583

Dated: 30.04.2010

ORDER

M/s Airport Authority of India, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi-110003 [hereinafter referred as the establishment] covered under the Employees' Provident Funds and Miscellaneous Provisions Act 1952 [hereinafter referred as the Act] from Regional Provident Fund Commissioner, Delhi (North) under P.F. code no. DL/36478. The establishment has applied for exemption under Para 27A of Employees' Provident Fund Scheme 1952 [hereinafter referred as the Scheme] read with Section 17(2) of the Act for operation of an EPF Trust in respect of Class of Employees.

And whereas, on a preliminary examination of the Provident Fund rules in operation in the establishment, the benefits under these rules appear prima-facie not less favorable than the benefits which the Employees' Provident Fund Scheme, 1952.

Now, in exercise of the powers conferred on me by Para 79 of the Employees' Provident Fund Scheme, 1952, I, **A.K. Gupta**, Regional Provident Fund Commissioner-I, hereby grant relaxation to the establishment for maintenance of the EPF Trust in respect of the class of the employees of M/s Airport Authority of India **w.e.f. 01.04.1995.**

Subject to the following conditions:-

1. The employer shall establish a Board of Trustees under his Chairmanship for the management of the Provident Fund according to such directions as may be given by the Central government or the Central Provident Fund Commissioner, as the case may be, from time to time. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organization, inter alia, for proper accounts of the receipts into and payment from the Provident Fund and the balance in their custody.

Contd..P/2

2. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central P.F. Commissioner or an officer authorized by him.
3. All employees as defined in section 2(f) of the Act, who have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.
4. Where an employee who is already a member of Employees' Provident Fund or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund. The employer should also arrange to have the accumulations in the Provident Fund account of such employee with his previous employer transferred and credited into his account.
5. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees at the rate prescribed under the act from time to time by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest in terms of the provisions of section 7Q of the Act for any delay in payment of any dues towards the Board of Trustees.
6. The employer shall bear all the expenses of the administration of the Provident Fund and also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.
7. Any deficiency in the interest declared by the Board of Trustees is to be made good by the employer to bring it up to the statutory limit.
8. The employer shall display on the notice board of the establishment, a copy of the rules of the funds as approved by the appropriate authority and as and when amended thereto along with a translation in the language of the majority of the employees.

Contd..P/3

9. The rate of contributions payable, the conditions and quantum of advances and other matters laid down under the provident fund rules of the establishment and the interest credited to the account of each member, calculated on the monthly running balance of the member and declared by the Board of Trustees shall not be lower than those declared by the Central government under the various provisions prescribed in the Act and the Scheme framed there under.
10. Any amendment to the Scheme, which is more beneficial to the employees than the existing rules of the establishment, shall be made applicable to them automatically pending formal amendment of the Rules of the Trust.
11. No amendment in the rules shall be made by the employer without the prior approval of the Regional Provident Fund Commissioner, Delhi (North). The Regional P.F. Commissioner shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.
12. All claims for withdrawals, advances and transfers should be settled expeditiously, within the maximum time frame prescribed by the Employees' Provident Fund Organization.
13. The Board of Trustees shall maintain detailed accounts to show the contributions credited withdrawal and interest in respect of each employee. The maintenance of such records should preferably be done electronically. The establishments should periodically transmit the details of members' accounts electronically as and when directed by the Central P.F. Commissioner/Regional P.F. Commissioner.
14. The Board of Trustees shall issue an annual statement of accounts or pass books to every employee within six months of the close of financial/accounting year free of cost once in the year. Additional printouts can be made available as and when the members want, subject to nominal charges. In case of passbook, the same shall remain in custody of employee to be updated periodically by the Trustees when presented to them.

Contd..P/4

15. The employer shall make necessary provisions to enable all the members to be able to see their account balance from the computer terminals as and when required by them.
16. The Board of Trustees and the employer shall file such returns monthly/annually as may be prescribed by the Employees' Provident Fund Organization within the specified time limit, failing which it will be deemed as a default and the Board of Trustees and employer will jointly and separately be liable for suitable penal action by the Employees' Provident Fund Organization.
17. The Board of Trustees shall invest the monies of the provident fund as per the directions of the Government from time to time. Failure to make investments as per directions of the Government shall make the Board of Trustees separately and jointly liable to surcharge as may be imposed by the Central P.F. Commissioner or his representative.
18. (a) The securities shall be obtained in the name of Trust. The securities so obtained should be in dematerialized (DEMAT) form and in case the required facility is not available in the areas where the trust operates, the Board of Trustees shall inform the Regional P.F. Commissioner concerned about the same.
- (b) The Board of Trustees shall maintain a script wise register and ensure timely realization of interest.
- (c) The DEMAT Account should be opened through depository participants approved by Reserve Bank of India and Central Government in accordance with the instructions issued by the Central Government in this regard.
- (d) The cost of maintaining DEMAT account should be treated as incidental cost of investment by the Trust. Also all types of cost of investments like brokerage for purchase of securities etc. shall be treated as incidental cost of investment by the Trust.

Contd..P/5

19. All such investments made like purchase of securities and bonds, should be lodged in the safe custody of depository participants, approved by Reserve Bank of India and Central Government, who shall be the custodian of the same. On closure of establishment or liquidation or cancellation of exemption from EPF Scheme, 1952 such custodian shall transfer the investment obtained in the name of the Trust and standing in its credit to the Regional P.F. Commissioner concerned directly on receipt of request from the Regional P.F. Commissioner concerned to that effect.

20. The establishment shall intimate to the Regional P.F. Commissioner concerned the details of depository participants (approved by RBI and Central Government), with whom and in whose safe custody, the investments made in the name of trust, viz., investments made in securities, bonds, etc. have been lodged. However, the Board of Trustees may raise such sum or sums of money as may be required for meeting obligatory expenses such as settlement of claims, grant of advances as per rules and transfer of member's P.F. accumulations in the event of his/her leaving service of the employer and any other receipts by sale of the securities or other investments standing in the name of the Fund subject to the prior approval of the Regional P.F. Commissioner.

21. Any commission, incentive, bonus, or other pecuniary rewards given by any financial or other institutions for the investments made by the Trust should be credited to its account.

22. The employer and the members of the Board of Trustees shall furnish a written undertaking agreeing to abide by the conditions and this shall be legally binding on the employer and the Board of Trustees, including their successors and assignees.

23. The employer and the Board of Trustees shall also give an undertaking to transfer the funds promptly within the time limit prescribed by the concerned RPFC in the event of cancellation of relaxation. This shall be legally binding on them and will make them liable for prosecution in the event of any delay in the transfer of funds.

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24. (a) The account of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent chartered accountant annually. Where considered necessary the EPFO shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

(b) A copy of the Auditor's report along with the audited balance sheet should be submitted to this office by the Auditors directly within six months after the closing of the financial year from 1st April to 31st March. The format of the balance sheet and the information to be furnished in the report shall be as prescribed by the Employees' Provident Fund Organization and made available with the RPFC office in electronic format as well as a signed hard copy.

(c) The same auditors should not be appointed for two consecutive years and not more than two years in a block of six years.

25. Any loss for three consecutive financial years or erosion in their capital base shall have the relaxation withdrawn from the first day of the next/ succeeding financial year.

26. The employer shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the Act within 15 days from the close of every month.

27. In the event of any loss to the trust as a result of any fraud, defalcation, wrong investment decisions etc. the employer shall be liable to make good the loss.

28. In case of any change of legal status of the establishment as a result of merger, de-merger, acquisition, sale, amalgamation, formation of a subsidiary, whether wholly owned or not etc., the relaxation granted shall stand revoked and the establishment should promptly report the matter for grant of fresh relaxation.

29. In case there are more than one unit/establishment participating in the common Provident Fund Trust, all the trustees shall be jointly and separately liable/responsible for any default committed by any of the trustees/employer of any of the participating units and the RPFC shall take suitable legal action against all the trustees of the common Provident Fund Trust.

30. In the event of any violation of the conditions for grant of relaxation, by the employer or the Board of Trustees, the relaxation granted shall be cancelled after issuing a show cause notice in this regard to the concerned persons.

31. Any further conditions for continuation of relaxation of the establishments can be laid down from time to time.


(A.K. Gupta)
Regional Provident Fund Commissioner-I
Delhi (North) 30/4/16

To,

✓ M/s Airport Authority of India
Rajiv Gandhi Bhawan
Safdarjung Airport, New Delhi-110003

Copy to:

1. PS to RPFC-I, Delhi (North)
2. RPFC (C&R)
3. RPFC (F&A)
4. APFC (A/c-____)
5. APFC (Compliance-II)
6. APFC (A/c-10)
7. Assistant Director (IS)
8. APFC (Receipt)