

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-2, MUMBAI**

APPEAL NO. CGIT- 2 / EPFA 155/2024

M/s. Astronova Biotech Pvt. Ltd.

- Appellant

V/s.

The Regional Provident Fund Commissioner-II

EPFO, Pune.

- Respondent

ORDER

(Delivered on 25-02-2025)

M/s. Astronova Biotech Pvt. Ltd./appellant-applicant has challenged the legality of order dated 28.06.2024 passed u/s. 7-A of the EPF & MP Act 1952, in the present appeal, which has been filed on 05.11.2024 and this is an application for condonation of delay in filing an appeal.

It is submitted on behalf of the applicant that, the order under appeal was dispatched on 09.07.2024, the same was received on 14.07.2024 and only after due consultation, the appeal has been filed on 05.11.2024 i.e., not within 60 days but certainly within 120 days from the date of receipt of order under appeal. The applicant has good case on merit thus prayed for condonation of delay in filing an appeal.

It is contended on behalf of the applicant that, the present appeal is not within prescribed period of limitation of 60 days. Delay beyond 120 days is not within the jurisdiction of the Court, thus prayed accordingly.

Admittedly the order dated 28.06.2024 was sent/dispatched on 09.07.2024 and the same was received to

the applicant on 14.07.2024 and after receipt of order, the present appeal has been filed on 05.11.2024, it is the case of the applicant that, after receipt of order he sought legal advice from the legal luminaries and thereafter the appeal has been filed before the Tribunal. True it is that, considering the date of receipt of order under appeal and the date of filing of appeal is not within 60 days i.e., prescribed period of limitation, however it is certainly within 120 days i.e., within the extended period of limitation therefore considering the reason given in the application, the applicant is certainly entitled for condonation of delay in filing an appeal.

In the result, the application is allowed. The delay in filing the appeal is condoned.

Sd/-

Date: 25-02-2025

(Shrikant K. Deshpande)
Presiding Officer
CGIT -2, Mumbai