

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, No. 2 DELHI;**

Appeal No. D-2/19/2026

M/s. Hitrac manpower Services Pvt. Ltd. Appellant

Through:- Sh. Swaroopananda Mishra, ld. counsel for the
appellant

Vs.

APFC/RPFC, Gurugram West Respondent

Through:- Sh. Gurumukh Singh, ld. counsel & Sh. Manjeet
Jakhar, A/R for the respondent

Order Dated:- 11.08.2026

Counsel for appellant has pressed his application for condonation of delay. He has submitted that he first came to know about passing of the impugned order only in June, 2026 when the company received the revenue recovery certificate bearing no. GNGGN0026316000/521/5029. Though, the order was passed on 17.01.2025, it is submitted by him that the period of limitation is to be reckoned from the date of knowledge. He further submits that due to the exit of accounts staff, the institutional knowledge required to access records, monitor departmental portals and coordinate transactions spread over forty-month period was completely fractured. As such he made prayer that the delay in filing this appeal be condoned.

The Respondent has filed reply to the application for condonation of delay stating that application under reply is liable to be dismissed as the appellant failed to disclose any sufficient or genuine grounds for condoning the delay. He submits that notice dated 22.05.2024 was properly served at the registered address of the applicant. The said show cause notice sent to the applicant through speed post tracking no. EH1781397412IN and registered email id: satpal.singh@hitrac.in. One Sh. Rajkumar appeared through webex meeting on 23.07.2024 and 03.09.2024 to represent the case. A notice regarding pending enquiry was published in local newspaper Dainik Jagran on 02.01.2025. Vide order

dated 17.01.2025, the respondent passed final order in the said enquiry. He submitted that the order dated 17.01.2025 was duly served upon the appellant through speed post and email.

Prior to decide the application for condonation of delay provision of Rule 7(2) of the Tribunal (Procedure) Rules, 1997 are required to be reproduced which are as under:-

7.Fee, time for filing appeal, deposit of amount due on filing appeal.—

(1) Every appeal filed with the Registrar shall be accompanied by a fee of Rupees five hundred to be remitted in the form of Crossed Demand Draft on a nationalized bank in favour of the Registrar of the Tribunal and payable at the main branch of that Bank at the station where the seat of the said Tribunal situate.

(2) Any person aggrieved by a notification issued by the Central Government or an order passed by the Central Government or any other authority under the Act, may within 60 days from the date of issue of the notification/order, prefer an appeal to the Tribunal.

Provided that the Tribunal may if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of 60 days.

Provided further that no appeal by the employer shall be entertained by the Tribunal unless he has deposited with the Tribunal a Demand Draft payable in the Fund and bearing 75% of the amount due from him as determined under Section 7-A.

Provided also that the Tribunal may for reasons to be recorded in writing, waive or reduce the amount to be deposited under Section 7-O.

It is well settled law that limitation shall be counted from the date of knowledge and not from the issue of the order, particularly where proper communication of the order is not established.

So far so the communication of the impugned orders to the appellant is concerned, it is the department's stand that it has been served through speed-post, however, the trial court record does not contain any registered postal receipt showing that it has been delivered. No order under Section 7 Q of the EPF & MP Act, 1952 (hereinafter referred as 'the Act') was found. Only a reminder was sent about deposit of the amount under bar code.

This Tribunal has already observed that a barcode issued in bulk does not, by itself, establish that the letter was actually issued or dispatched to the concerned establishment. No register mentioning the date of dispatch has been produced to buttress the fact that the order was duly sent to and served upon the appellant.

Moreover, this was not the order but only an information. This type of order passed is a blatant misuse of powers by the respondent. The respondent should have passed the reasoned order as to why he has imposed the interest. It is noteworthy that enquiry has been initiated under both Sections 14-B and 7-Q of the Act. Where the establishment is in a position to demonstrate, by producing challans or other relevant documents, that the provident fund dues were deposited within the prescribed time, the liability towards interest may correspondingly require reconsideration. Therefore, a reasoned and speaking order is required to be passed by the respondent after considering the material produced by the establishment. Merely a reminder of demand does not suffice that any order has been passed.

Considering the above facts that the order has never been dispatched to the appellant through speed post which is mandatory, this tribunal has no other option but to believe that the appellant has come to know about the passing of order in June, 2026. Therefore, the application for condonation of delay is allowed as appeal is found to be filed within the period of limitation. Put up for filing of reply of stay application as well as to the appeal on 16.09.2026. In the meanwhile, interim orders to continue till next date of hearing.

(Atul Kumar Garg)

Presiding Officer

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, No. 2 DELHI;**

Appeal No. D-2/25/2026

M/s. JPM Industries Ltd.Appellant
Through:- Sh. Rohan Jain, proxy counsel for the
appellant.

Vs.

RPFC/APFC, Gurugram West ...Respondent
Through:- Sh. S.N. Mahanta, ld. counsel for the
Respondent.

Order Dated:-11.08.2026

Today the case is listed for filing of reply by the respondent to the misc. application filed under section 7O of the EPF & MP Act, 1952 for waiver of the mandatory pre-deposit, however, Sh. S.N. Mahanta submits that he has sent the reply to the department but has not received it back after vetting and requested to grant him a week's time.

The proxy counsel appearing for the appellant also prayed for an adjournment stating that the arguing counsel Ms. Snehpreet Kaur is also not available to argue the matter. In the interest of justice, prayer of respondent's counsel to grant time is allowed directing him to submit the reply within a week along with supplying advance copy to ld. Counsel for the appellant. List the matter on 20.08.2026 for consideration of the misc. application filed under section 7 O of the Act. In the meanwhile, interim orders to continue.

(Atul Kumar Garg)

Presiding Officer

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, No. 2 DELHI;**

Misc. application in disposed Appeal No. D-2/41/2024

M/s. Bhagpat Industries Ltd. Appellant

Through:- Sh. Arvind Kumar, Id. counsel for the appellant

Vs.

APFC/RPFC, Meerut Respondent

Through:- Sh. S.N. Mahanta, Id. Counsel & Sh. Shyam Bihari,
A/R for the respondent

Order Dated:-11.08.2026

Arguments on the misc. misc. application filed on behalf of the appellant under section 151 CPC for seeking the direction for de-attachment of the property by modification of the order dated 23.06.2025 passed by this tribunal heard in part. Id. Counsel for the appellant is directed to supply the copies of two writ petitions filed before Hon'ble Allahabad High Court on the next date of hearing. List the matter on 20.08.2026 for further consideration. Meanwhile, office is directed to retain a copy of the trial court record produced today. A/R for the respondent is directed to remain present on the next date of hearing also. Copy of this order be sent to both the parties through email.

(Atul Kumar Garg)

Presiding Officer

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, No. 2 DELHI;**

Appeal No. D-2/17/2025

M/s. Varada Exports Appellant

Through:- None for the appellant

Vs.

APFC/RPFC, Noida Respondent

Through:- Sh. Narender Kumar, Id. Counsel & Sh. Vijay Pal Singh, A/R for the respondents

Order Dated:-11.08.2026

The office has placed an email sent by Sh. Prakash Kumar, Id. Counsel for the appellant, requesting for an adjournment stating that he is unable to appear today. In the interest of justice, adjournment granted. List the matter on 25.08.2026 for final arguments.

(Atul Kumar Garg)

Presiding Officer