

09.9.2022

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1

MUMBAI

Present

Smt. Pranita Mohanty
Presiding Officer

M/s. Navi Mumbai Municipal Corporation ... Appellant
Vs

Assistant Provident Fund Commissioner ... Respondent
Vashi

Presence:

For the Appellant : Mr. B.K.Ashok, Adv.

For the Respondent : Absent.

ORDER

This order deals with the admission of the appeal, condonation of delay and the prayer grant of interim protection on execution of the impugned order. Though the matter was preponed to this date, after giving notice to both the parties none appeared on behalf of the respondent. The learned advocate for the appellant submitted that the appeal has been filed in time and there are no defects pointed out by the registry. He also submitted that the impugned order suffers from patent illegality and the appellant as a fair chance of success. On such an event, the execution of the order if would not be stayed serious prejudice shall be caused to the appellant.

Perused the record. The impugned order was passed on 23.9.2019 under section 7-A of the Act and the appellant filed the appeal on 8.1.2020. This clearly shows that the appeal was filed beyond the period of limitation but within 120 days up to which the period of limitation can be extended by the Tribunal in appropriate cases.

In the delay condonation application it has been stated that the impugned order was received in the office of the appellant on 14.10.2019 and the appeal was filed on 8.1.2020 without delay. In absence of evidence to the contrary, it is held that the appeal has been filed within the extended period of limitation. The delay is accordingly condoned.

This is an order passed under section 7-A of the Act by the APFC, Vashi assessing Rs.24,53,193.00. The provision of law requires compliance of the provisions of section 7-O as a condition for Admission of the appeal. The note of the registry shows that the appellant had already deposited Rs.18,39,895/- as 75% of the assessed amount by DD No. 176625. In view of the same the appeal is admitted. There would be an interim stay on the execution of the impugned order till disposal of the appeal.

List the matter on...16.12.22... for filing of reply by the respondent.


PRESIDING OFFICER
CGIT-1 MUMBAI