

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

APPEAL NO. CGIT- 2 / EPFA /77 /2024

Between:

M/s. Sandip Foundations.

- Appellant

V/s.

The Assistant Provident Fund Commissioner,
EPFO, Nashik.

- Respondent

ORDER

(Delivered on 08-07-2024)

Read application for condonation of delay in filing the appeal. Perused the say given on behalf of the respondent / opponent. Heard the parties.

According to the appellant/ applicant they received the order dated 28-02-2024 on 04-04-2024 and the present appeal has been filed on 04-06-2024. It is submitted that, the establishment of the applicant is a trust and all decisions have to be approved by all the trustees and due to financial difficulty also they could not seek appropriate legal advice in time therefore there is delay in filing the appeal. It is further submitted that, the appellant/ applicant has good case on merit and considering the delay in filing the appeal it should be condoned.



The opponent resisted the application by reply it is contended on behalf of the opponent that, the applicant

received the order under appeal on 04-04-2024 and the present appeal has been filed on 04-06-2024 i.e., after a period of sixty days there is no proper much less sufficient explanation for delay thus requested for rejection of the application.

There appears no dispute that, the appellant /applicant received the order dated 28-02-2024 on 04-04-2024 and the present appeal has been filed on 04-06-2024 and considering the period in between two dates i.e., 04-04-2024 and 04-06-2024 there seems to be a delay of 02 days in filing the appeal.

True it is that, the appeal has to be filed within sixty days from the date of passing order however at the same time the court can condone the further delay of sixty days on sufficient ground. In my opinion the reason given by the applicant for the delay seems to be reasonable and bonafide. Furthermore if the delay is condoned no prejudice will cause to the respondent, whereas if the delay is not condoned the applicant will sustain irreparable loss therefore considering the comparative hardship the applicant is entitled for condonation of delay in filing the appeal.

In the result, the delay in filing the appeal is condoned and the appeal is admitted.

Date: 08-07-2024


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