

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, MUMBAI.

PRESENT

JUSTICE R.N. KAKKAR

CGIT-1/EPFA/90/2017

Guruji Arts Studio

....Appellant

V/s.

RPFC, Bandra

....Respondent

PRESENT:-

For Appellant

: Mr. Manoj Gujar (Adv.)

For Respondent

: Ms, Ranjana Todankar (Adv.)

Dated: 22/06/2021.

ORDER

1. The present appeal is filed by the appellant U/s. 7-I of the EPF & MP Act 1952 (herein after referred to as Act) against the order dated 03/12/2014 passed by the Regional Provident Commissioner, the Respondent under section 7-A of the Act. This appeal was filed at the EPFAT – New Delhi.
2. Along with the Appeal memo this application for condonation of delay has also been filed.
3. The impugned order was received on 18/12/2016 by post and appeal has been filed on 20/03/2017.
4. Learned Counsel for the appellant submitted that Miscellaneous Application for condonation of delay is supported with an affidavit.
5. Learned Counsel for the Appellant and Learned Counsel for the Respondent are present.
6. Learned Counsel representing the Respondent appeared before this tribunal without filing her Vakalatnama but she assured that the Vakalatnama will be filed on the next



date of hearing. Learned counsel for the Respondent orally opposed the delay condonation application. It is stated by the learned counsel for the appellant that this appeal has been filed before the EPFA Tribunal New Delhi along with the Application for the condonation of delay. Thereafter, this appeal has been transferred from EPFA Tribunal, New Delhi to CGIT No.1 – Mumbai.

7. It is stated that appellant has already deposited the total assessed amount of Rs. 6,47,770/- and hence no waiver application or any other miscellaneous application has been filed by the Appellant.
8. The learned Counsel for the Appellant has filed the photo copy of the postal envelop confirming the receipt of the impugned order on 18/12/2016 and also confirmed that the Appeal memo was filed on 20/03/2017 at New Delhi. The learned Counsel for the Appellant stated that the Appellant's establishment is located at Mumbai and at that point of time the Appellant was required to file the appeal at EPF Tribunal at New Delhi. Hence, after contacting the counsel and forwarding dockets to New Delhi, the delay of 30 days occurred after 60 days of limitation period. Learned Counsel for the Respondent opposed the condonation application as no sufficient grounds were stated in the Application for the delay of 30 days and prayed for not allowing the application.
9. Heard both the counsels at length and found the grounds shown before me for the condonation of delay to be sufficient under present situation. The Delay in filing the appeal was not intentional or with any ill motive but was due to genuine problem faced by the appellant and exigencies existing at that particular time. Accordingly this miscellaneous application for condonation of delay is accordingly allowed. I direct the office to register the case.

Miscellaneous application EPFA-90(c) is finally disposed of accordingly.



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TRUE COPY


Secretary to the Court
Central Government Industrial
Tribunal-cum-Labour Court No. I
Mumbai

Sd/-
(JUSTICE R.N. KAKKAR)
PRESIDING OFFICER