

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Judicial Member	Remark
Case No. CGIT/LC/EPFA/32/2024 M/s Chhaayansh Multipurpose Agency V.s. RPFC, Bhopal		
15.07.2026	Matter taken up. Learned Counsel for Appellant is not present. Mr. Rahul Chourasia, Learned Counsel present for the Respondent Authority. Today is fixed for hearing on application from the side of Appellant Establishment seeking condonation of delay in the present appeal. The order under Appeal is order dated 19.08.2019 & 20.09.2019, passed by the Respondent Authority. Vide order dated 19.08.2019, the Respondent Authority held the Appellant Establishment to deposit the PF dues of its employee for the period between 01.02.2007 to 02.02.2014. The order dated 20.09.2019 is notice issued by the Respondent Authority under Section 8F of the Provident Fund and Miscellaneous Provisions Act directing the Appellant Establishment to deposit the amount assessed vide order dated 19.08.2019. The Appeal has been filed on 15.03.2024. In the application seeking condonation of delay, filed with affidavit, it has been stated that the Appellants were communicated and notice was given to them with respect to order under Appeal only in December, 2023, hence they came to know about the orders above mentioned on that day, which is a bonafide ground for condonation of delay. In its written reply, filed on behalf of Respondent Authority, it has been taken that since the Act and Rule-7 of Employees Provident Fund Appellate Procedure Rules, 1997 (in short the '<i>Rules</i>') provide specific period of limitation of 60 days for filing the appeal, which could be extended by another 60 days subject to sufficient reasons, hence general provisions of the limitation as mentioned in the Limitation Act, 1963 should not apply in the case in hand. Learned Counsel has further referred to <i>Judgment of Single Bench of Hon'ble High Court of MP at Indore in the case M.P. No. 4278/2022 Yug Dharma Public School V.s. EPFO</i> wherein, the same principle has been affirmed and order of this Tribunal in dismissing the appeal on the ground of being barred by limitation	

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	because provisions of Limitation Act will not apply in such a case was upheld. <i>In another single bench of Hon'ble High Court of M.P. at Indore W.P. No. 5799/2024 Money Makers Research Pvt. Ltd. V.s. RPFC, the same principle has been laid down.</i> <i>Rule 7 of the Rules of 1997 is being reproduced as follows –</i> <i>7. Fee, time for filing appeal, deposit of amount due on filing appeal.-</i> <i>(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.</i> <i>(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.</i> <i>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.</i> <i>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."</i> Since the Act and the Rules provide specific period of limitation for filing of Appeal, benefit of provisions of Limitation Act, 1963 are not available to the Appellant Establishment in the case in hand. Since, the appeal is delayed by around 1000 days.	

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	Hence, it is barred by limitation and is dismissed on the ground of limitation. Before parting, it is to be mentioned here that all these observations are with respect to order dated 19.08.2019, passed under Section 7(A) of the Act which is applicable before this Tribunal. There is no provision of appeal against any notice/order u/s 8(F) of the Act. Presiding Officer 	

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