

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-2, MUMBAI

M/S. Vilas Sahakari Sakhar Karkhana Ltd.,

Vaishalinagar, Nivli, Tal. & Dist. Latur,

Pin Code – 413 511.

- APPELLANT

V/s.

Regional Provident Fund Commissioner - II

Regional Office, EPFO Solapur,

Surwase Tower, 165 A, Railway Lines Satrasta,

Solapur – 413 001.

- RESPONDENT

ORDER ON CONDONATION OF DELAY APPLICATION

Dated:01.02.2023

Present: Shri D.H. Patil, Advocate for the appellant.

Ms. Krunali Satra, Advocate, for Shri Suresh Kumar Advocate
for the respondent.

The present appeal under Section 7-I of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, [herein after referred to as 'the Act'] is directed against the order dated 27.12.2021 passed by the respondent under Section 14B of the Act.

Along with the appeal, there is also an application for condonation of delay filed by the appellant.

Heard on the said application.

The impugned order was passed by the respondent on 27.10.2021 and according to the appellant, the same was despatched by the respondent on 24.02.2022 and received by the appellant on 01.03.2022.

The limitation to file an appeal is 60 days.

In view of the order dated 10.01.2022 passed by the Hon'ble Supreme Court in Misc. Application No.21 of 2022 in Misc. Application. No.665 of 2021 in Suo Moto Writ Petition (C) No.3 of 2020, the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purpose of limitation as may be prescribed under the general or special law in respect of all judicial or quasi-judicial proceedings. Over & above this, a limitation period of 90 days from 01.03.2022 has also been granted in cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022.

In the present case, the present appeal has been filed on 08.03.2022, i.e., within a period of 90 days from 01.03.2022 and, thus, the same is within limitation in view of the aforesaid Hon'ble Supreme Court judgment.

Accordingly, the application for condonation of delay is allowed.

The learned proxy counsel for the respondent seeks a date for filing reply and Vakalatnama. She submits that the main counsel is not available today and therefore an adjournment may be granted.

On the other hand, the learned counsel for the appellant does not oppose the prayer for adjournment.

To come up on 12.04.2023 for reply by the respondent as well as for filing Vakalatnama.

Special efforts be made as this is a time bound matter from the Hon'ble Bombay High Court.

February 01, 2023

Sd/-
(LAXMI NARAIN JINDAL)
Presiding Officer
CGIT -2, Mumbai