

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

**APPEAL NO. CGIT- 2 / EPFA /12 /2023**

M/s. Fortpoint Automotive Cars Pvt. Ltd. - Appellant

V/s.

The Regional Provident Fund Commissioner-II,  
EPFO, Bandra-I. - Respondent

**ORDER**

**(Delivered on 22-10-2024)**

M/s. Fortpoint Automotive Cars Pvt. Ltd/ appellant-applicant has challenged the legality of order dated 30.09.2022 passed by the RPFC-II Mumbai/ respondent-opponent u/s.14-B & 7-Q of the Employees' Provident Funds and Miscellaneous Provisions Act 1952, in present appeal, which is filed on 19.12.2022, there seems to be delay in filing an appeal.

Heard both the parties.

According to the applicant, though the order has been passed on 30.09.2022 however the same was posted on 19.10.2022 and he received the order on 20.10.2022 and the appeal has been filed on 19.12.2022 as such there is no delay in filing an appeal. The applicant submitted that, if the date of order is considered for the purpose of limitation as 30.09.2022 then, there is delay in filing the appeal and requested for its condonation.

After considering the oral submissions of the parties it seems that, there is no delay in filing an appeal if the date of receipt of order is considered as 20.10.2022 however from the date of passing of order i.e., 30.09.2022 then, the present appeal is certainly not within the prescribed of limitation of 60 days however it is certainly within 120 days from the date of passing of order. Furthermore, it seems that due to administrative approval the delay has been caused in filing an appeal therefore considering the reasons and negligible delay in filing an appeal the applicant is certainly entitled for condonation of delay in filing an appeal.

In the result, the application is allowed. The delay in filing an appeal is condoned.

Sd/-

Date: 22-10-2024

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