

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

APPEAL NO. CGIT- 2 / EPFA 123 /2023

M/s. Maharashtra State Co-operative Marketing

Federation Ltd.

- Appellant

V/s.

The Regional Provident Fund Commissioner,

EPFO, Bandra (E).

- Respondent

ORDER

(Delivered on 22-10-2024)

Read application for condonation of delay filed by the appellant-applicant. Peruse the say given on behalf of the respondent-opponent.

Heard both the parties.

It seems that, the applicant has challenged the legality of order dated 03.08.2023 passed by the opponent u/s.14-B of the Employees' Provident Funds and Miscellaneous Provisions Act 1952, in an appeal, which is filed on 06.11.2023.

It is contended on behalf of the applicant that, the applicant received the copy of order on 16.10.2023 and the appeal has been filed on 06.11.2023, as such there is no delay in filing an appeal however if the limitation is considered from the date of order i.e., 03.08.2023, then there is delay in filing an appeal. The substantial question of law is

involved in the appeal and the applicant has good case on merit as such if the delay is not considered then, the applicant will sustain irreparable loss thus prayed for condonation of delay.

True it is that, from the date of receipt of order i.e., 16.10.2023, the appeal is certainly within 60 days from the prescribed period of limitation however if the date of order is considered i.e., 03.08.2023, then the appeal is certainly after a prescribed period of limitation i.e., 60 days however the appeal is within 120 days from the date of passing of order therefore, the delay seems to be condonable.

Not only this but, as the substantial question of law is involved then if the delay is condoned, then no prejudice will cause to the opponent. In such circumstances the applicant is 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