

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

APPEAL NO. CGIT- 2 / EPFA /166 /2024

M/s. Warade PackTech Pvt. Ltd.

- Appellant

V/s.

The Assistant Provident Fund Commissioner,

EPFO, Pune.

- Respondent

ORDER

(Delivered on 17-03-2025)

M/s. Warade PackTech Pvt. Ltd /appellant-applicant has challenged the legality of order dated 31.08.2023 passed u/s. 14-B & 7-Q of the EPF & MP Act 1952, which is filed on 22.11.2024, as such this is an application for condonation of delay in filing an appeal.

2. It is contended on behalf of the applicant that, they received the copy of order dated 31.08.2023 under appeal by E-mail on 18.11.2024 and the appeal has been filed on 21.11.2024 i.e., the date of actual knowledge of the order. The delay in filing an appeal is precautionary. He has good case on merit and from the date of knowledge of order, there is no delay in filing appeal thus prayed for condonation of delay.

3. As against this, it is contended on behalf of the opponent that, the order was received to the applicant on 18.11.2024, date of filing is not mentioned reason given for delay is not good ground for delay and ultimately requested that, the application be rejected. The opponent put his reliance on the decision of our Bombay High

Court in **Writ Petition No. 10321 of 2024 Trio-Fab-(India) Pvt. Ltd. V/s. RPFC-II and Writ Petition No. 2101 of 2014, the Manganga Sahakari Sakhar Karkhana Ltd. V/s. APFC.**

4. Undisputedly the order under appeal has been passed on 31.08.2023. There is no denial by the opponent that, the applicant received the order on 18.11.2024 and the appeal has been filed on 21.11.2024. The representative appearing on behalf of the applicant invited my attention to the letter dated 08.08.2023, by which the applicant informed to the opponent about change of address and by another letter dated 12.11.2024, the applicant requested to provide copy of order of assessment. It goes to show that, the applicant was not aware about the passing of order till 12.11.2024 and it reveals from the copy of E-mail that, the applicant came to know about the order only on 18.11.2024 within 60 days i.e., prescribed period of limitation.

5. I have gone through the decisions relied on behalf of the opponent in **Trio-Fab-(India) Pvt Ltd**, instead of appeal, the employer approach to the High Court in Writ Petition as there was delay in filing an appeal, in which it has been appreciated that, the High Court cannot utilize, for enabling filing of time barred appeal u/s. 7-I of the EPF Act. In the next judgment of **Manganga Sahakari Sakhar Karkhana**, it has been observed that, the Tribunal can condone the delay provided it is of a period of maximum 60 days. In the case in hand, the opponent fairly admitted in reply to the condonation of delay, that order was received to the applicant on 18.11.2024, therefore the present appeal has been filed within prescribed period of limitation i.e., 60 days and I do not think that, those decisions are

anyway helpful for the opponent to establish before the court that, the present appeal is barred by time.

In the case in hand, considering the date of receipt of order by E-mail i.e., 22.11.2024, the applicant is certainly entitled for condonation of delay in filing the appeal.

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

Date: 17-03-2025

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

