

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

**APPEAL NO. CGIT- 2 / EPFA176/2024**

M/s. Shivtara Properties Pvt. Ltd. - Appellant

V/s.

1. Employees Provident Fund Organization

through Enforcement Officer,

2. Regional Provident Fund Commissioner-II

EPFO, Pune.

- Respondents

**ORDER**

(Delivered on 18-02-2025)

Read application for condonation of delay filed by M/s. Shivtara Properties Pvt. Ltd. Perused the reply filed on behalf of the respondent EPFC. Heard the counsels appearing on behalf of the parties.

It reveals that, the appellant has challenged the legality of order dated 27.08.2024 passed u/s. 7-A of the EPF Act in appeal which is filed on 18.12.2024 i.e., after prescribed period of limitation. It is the case of the appellant that, he received the copy of impugned order dated 27.08.2024 on 02.09.2024. Thereafter, he was remaining away frequently from Pune, due to illness of his Mother-in-Law and Father-in-Law till 10.12.2024. Thereafter some time was required to locate the documents for instructing the advocate for drafting the appeal and thereafter, the appeal has been filed on 18.12.2024, as such he could not file appeal

within 60 days, there is a delay of 47 days in filing an appeal. The same is not intentional, thus prayed for its condonation.

As against this, it is contended on behalf of the respondent that, there is a delay of about 46 days in filing an appeal, explanation given on behalf of the appellant are not necessary to consider and ultimately prayed for rejection of the appeal.

Admittedly, the present appeal is not filed within the prescribed period of limitation i.e., 60 days and there is delay of about 46 days after the prescribed period of limitation. In my opinion also, the reason for illness as well as searching the documents for instructing the advocate certainly seems to be proper and genuine. Not only this but, delay is of 46 days i.e., after prescribed period of limitation, but it is certainly within the extended period of limitation i.e., 120 days therefore, the applicant is certainly entitled for condonation of delay in filing an appeal.

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

Sd/-

Date: 18-02-2025

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