

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,  
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**ATA No. D-1/22/2021**

M/s. Cyber Media (India) Ltd.

Appellant

Vs.

APFC, Delhi (south)

Respondent

**ORDER DATED:- 18.08.2021**

Present:- Shri Haribansh Manav, Ld. Counsel for the Appellant.

Shri B.B. Pradhan, Ld. Counsel for the Respondent.

This order deals with the petition filed by the appellant u/s 7L(2) of the EPF and MP Act praying review of the order dated 30.07.2021. Copy of the petition being served the Ld. Counsel for the respondent appeared and participated in the hearing held today i.e. on 18.08.2021 through VC.

On behalf of the appellant it was submitted that this appeal was filed on 27.04.2021 challenging two separate orders passed on 26.02.2021 u/s 14B of the EPF and MP Act in which Rs. 1,35,079/- and Rs. 77,048/- were assessed as damage respectively. The Registry pointed out the defect in filing the appeal and this tribunal by order dated 30.07.2021 came to hold that Rule 21 of the Tribunal Rule 1997 read with section 7I of the EPF and MP Act provides for filing an appeal against a single cause of action wherein more than one relief can be sought for. With such observation the tribunal allowed the appellant to withdraw the appeal and gave liberty to file fresh appeal separately. As directed by the tribunal the appellant has already filed a separate appeal challenging the order dated 26.02.2021 assessing damage of Rs. 1,35,079/- which has been registered as the 1/26/2021 challenging the order bearing no. 28553 dated 26.02.2021. Now the order bearing no. 28551 dated 26.02.2021 wherein Rs. 77048/- has been assessed as damage is to be treated as the impugned order of the present appeal. But the tribunal instead of allowing the appeal to continue in respect of the above said order directed return of the appeal in respect of both the orders which appears to be an error apparent on face of the record which can be corrected by the tribunal in exercise of the power vested u/s 7L(2) of the EPF and MP Act.

The Ld. Counsel Mr. Pradhan representing the respondent fairly considered that the tribunal has the power to rectify any mistake or

error apparent on the face of the record in exercise of the power vested u/s 7L(2) of the Act. He also conceded that fee prescribed for filing of an appeal since has been made the appeal can be allowed to continue in respect of one order.

Considering the submission for both the parties and on perusal of the record it is felt proper to review the order dated 30.07.2021. Accordingly it is directed that the appeal shall continue in respect of the order dated 26.02.2021 bearing serial no. 28551 dated 26.02.2021 wherein the order u/s 14B of the EPF and MP Act has been passed assessing damage of Rs. 77048/- for delayed remittance of the PF dues for the period 07/1997 to 12/2007. The petition filed u/s 7L(2) is thus allowed. The appellant is directed to file the amended appeal memo positively by 15<sup>th</sup> September, 2021 after which the matter shall be listed for admission of the appeal.

Presiding Officer