

ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

CASE NO. CGIT/LC/EPFA/19/2022

Barfani Security Services....VS. APFC, Jabalpur

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
12-4-2022	<p>Taken up for hearing.</p> <p>Shri Uttam Maheshwari, Learned counsel for the Appellant. Shri J.K.Pillai, Learned counsel for the Respondent.</p> <p>Perused the report of the Registry</p> <p>The order under appeal is the common order under Section 14-B and 7Q of the Employees Provident Fund And Misc. Provisions Act,1952, herein after referred to the word 'Act', passed on 29-12-2021. The appeal has been filed on 4-4-2022, hence barred by limitation.</p> <p>The appellant has filed an application for condonation of delay. He has relied on order of Hon'ble the Apex Court dated 10-1-2022 in case of Sou Motu Writ Petition(C) No.3 of 2020 R.E in cognizance of extension of limitation: Hon'ble the Apex court has made the following directions in the case referred.</p> <p style="text-align: center;">“Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A.No.21/2022 with the following directions:-</p> <p>1.The order dated 23-3-2020 is restored and in continuation of the subsequent orders dated 8-3-2021, 27-4-2021 and 23-9-2021, it is directed that the period from 15-3-2020 till 28-2-2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.</p> <p>2.Consequently, the balance period of limitation remaining as on 3-10-2021, if any, shall become available with effect from 1-3-2022.</p> <p>3.In cases where the limitation would have expired during the period between 15-3-2020 till 28-2-2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 1-3-2022. IN the event the actual balance period of limitation remaining, with effect from 1-3-2022 is greater than 90 days, that longer period shall apply.</p> <p>4.It is further clarified that the period from 15-3-2020 till 28-2-2022 shall also stand excluded in computing the period prescribed under Section 23(4) and 29(A) of the Arbitration and Conciliation Act,1996, Section 12A of the Commercial Courts Act,2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer</p>	



limits(within which the Court or Tribunal can condone delay) and termination of proceedings.

I have also heard, Advocate Shri Uttam Maheshwari, and Shri J,K,Pillai, Advocate on application for condonation of delay.

Hence in the light of the aforesaid order of Hon'ble the Apex Court, the delay is to be condoned inspite of being vehemently opposed by the learned counsel for the respondent. Accordingly condoning the delay the appeal is registered.

Respondents to counter within 30 days from today with documents after serving a copy thereof to learned counsel for the appellatant. Rejoinder if any, within 15 days thereafter.

Learned counsel for the appellatant further pressed his application for stay filed with affidavit.

The respondent has vehemently opposed this application.

After hearing both the sides at length on the application for recovery of stay and objection against it and on perusal of the record, I am of the view that the appellatant has successfully made out a prima facie case in his favor and it will be in the interest of justice to stay the recovery but on certain conditions.

Accordingly the recovery of the amount under appeal passed under Section 7Q and 14-B of the Act is stayed subject to the condition of deposit of 40% of the amount with the Respondent within 30 days from the date of order and file a compliance report. I.A. is disposed of accordingly.

List the case on 22/6 for final arguments.



PRESIDING OFFICER