

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

APPEAL NO. CGIT- 2 / EPFA36/2024

M/s. Chandan Tech Solutions Pvt. Ltd. - Appellant

V/s.

The Regional Provident Fund Commissioner-II,
EPFO, Pune. - Respondent

ORDER

(Delivered on 28-01-2025)

Read application filed by the appellant/applicant for condonation of delay, perused the say given on behalf of the respondent/opponent. Heard both the sides.

It is contended on behalf of the applicant that, he challenged the order dated 28.04.2023 passed u/s. 7-A of the EPF Act and order dated 27.12.2023 passed u/s. 7-B of the EPF Act in the present appeal which was received on 04.01.2024 and the present appeal came to be filed on 26.03.2024. There is delay of about 23 days in filing an appeal. He was not aware about the procedure in respect of filing an appeal therefore the delay was occurred thus prayed for condonation of delay in filing the appeal.

As against this, it is submitted on behalf of the opponent that, there is no sufficient reason and not aware about the procedure cannot be the good reason for condonation of delay therefore the delay in filing the appeal cannot be condoned and ultimately prayed for rejection of the application.

Admittedly the appellant challenged the orders passed u/s. 7-A & 7-B of the EPF Act in the present appeal, as per Sec. 7-B sub clause (5) of the EPF Act, no appeal shall lie against the order of the officer rejecting an application for review, therefore the order passed u/s. 7-B of the EPF Act cannot be the subject matter of the present appeal. However after rejecting the application u/s. 7-B of the EPF Act, that order merged in the order u/s. 7-A of the EPF Act passed by the Authority and as the order passed u/s. 7-A of the EPF Act was subjudice in the proceeding under Sec. 7-B, therefore the limitation for appeal can be considered from the date of passing the order u/s. 7-B of the EPF Act. It seems that, the applicant received the order on 04.01.2024 and the present appeal has been filed on 27.03.2024 in fact the prescribed period of limitation for filing an appeal is 60 days, however the court can condone the delay of another 60 days in filing an appeal on good and sufficient reasons as such considering the good and sufficient reason, 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: 28-01-2025

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

