

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

APPEAL NO. CGIT- 2 / EPFA70/2022

M/s. Malvan Municipal Council. - Appellant

V/s.

The Assistant Provident Fund Commissioner

EPFO, Kolhapur. - Respondent

ORDER

(Delivered on 22-04-2025)

Read application for condonation of delay in filing an appeal. Perused the reply submitted on behalf of the opponent.

Heard both the parties.

It reveals that, the appellant has challenged the legality of order dated 27.04.2022 passed u/s. 7-A of the EPF & MP Act 1950, in appeal which has been filed on 24.08.2022 i.e., after prescribed period of limitation i.e., 60 days. It is submitted on behalf of the applicant that, they received the certified copy of order on 11.05.2022, thereafter he approached to the local advocate, who advised to file appeal against that order therefore he immediately approached to the advocate at Mumbai. He demanded certain documents for filing appeal and after handling over the documents, appeal came to be filed on 24.08.2022. There was no intentional delay and ultimately prays for condonation of delay in filing an appeal.

The opponent contended that, after receipt of order on 27.04.2022, the appellant filed a Review application, it was rejected on 11.05.2022, thereafter the applicant slept on order under appeal passed u/s. 7-A and belatedly filed an appeal on 24.08.2022, the delay is not bonafide and ultimately prays for rejection of the application.

Though, it is contended on behalf of the opponent about the filing of Review application and its rejection by order dated 11.05.2022, however there is no whisper in the application about filing of Review application, however it is the case of the applicant that, he received the copy of order on 11.05.2022, thereafter due to inability of the advocate, the appeal could not be filed within prescribed period of limitation. Even assuming that, the appeal has been filed on 24.08.2022 against the order dated 27.04.2022 and the same has not been filed within the prescribed period of limitation however it is certainly within the extended period of limitation of 120 days therefore the applicant is certainly entitled for condonation of delay in filing an appeal

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

Sd/-

Date: 22-04-2025

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

