

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-2, MUMBAI

M/S. Metric Consultancy Ltd.,
Pune – 411 036.

- APPELLANT

V/s.

Regional Provident Fund Commissioner
Pune – 411 001.

- RESPONDENT

ORDER**Dated:08.03.2023**

Present: Shri H.L. Chedda, A.R., for the appellant.

Ms. Vijay Ghedia, Advocate, for Shri Rakesh Sawant, Advocate
for the respondent.

The present appeal under Section 7-I of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, [herein after referred to as 'the Act'] is directed against the order dated 06.03.2020 passed by the respondent under Section 14B of the Act.

Along with the appeal, there is also an application for condonation of delay filed by the appellant.

Heard on the said application.

As per the order dated 10.01.2022 passed by the Hon'ble Supreme Court in Misc. Application No.21 of 2022 in Misc. Application. No.665 of 2021 in Suo Moto Writ Petition (C) No.3 of 2020, the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purpose of limitation as may be prescribed under the general or special law in respect of all judicial or quasi-judicial proceedings. Over & above this, a limitation period of 90 days from 01.03.2022 has also been granted in cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022.

In the present case, the impugned order is dated 06.03.2020 and limitation to file the present appeal is 60 days. Thus, the limitation would have

expired on 05.05.2020. As per the aforesaid judgment of the Hon'ble Supreme Court, the period from 15.03.2020 to 28.02.2022 and a further period of 90 days from 01.03.2022 is to be excluded while computing the limitation. The present appeal having been filed on 28.02.2022, i.e. the intervening period, is within limitation in view of the aforesaid Hon'ble Supreme Court judgment.

Accordingly, the application for condonation of delay is allowed.

To come up on 05.07.2023 for arguments in the main appeal as well as on the application for stay.

Sd/-

March 08, 2023

(LAXMI NARAIN JINDAL)
Presiding Officer
CGIT -2, Mumbai