

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

APPEAL NO. CGIT- 2 / EPFA /80 /2020

M/s. Delstar Pvt. Ltd. - Appellant

V/s.

The Assistant Provident Fund Commissioner

EPFO, Kolhapur. - Respondent

ORDER

(Delivered on 08-10-2024)

Read application. Perused the say.

The appellant-applicant has challenged the legality of order dated 05.02.2020 passed u/s. 7A of the EPF Act, which was received on 08.02.2020, the appeal ought to have been filed on or before 08.04.2020, however the Government of India declared the Lockdown w.e.f. 23.03.2020, Due to pandemic situation of II wave of Covid-19, therefore it was not possible to come out of home due to restrictions as such he was unable to contact the advocate and file appeal within the prescribed period of limitation therefore prayed for condonation of delay in filing an appeal.

Needless to say that, in view of the order dated 10.01.2022 passed by the Supreme Court in **Miscellaneous Application No. 21/2022 in Miscellaneous Application 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 and 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 order under appeal has been passed on 05.02.2020 and prescribed period of limitation is during the period of exemption of limitation as such in the light of the observation of Supreme Court the applicant is certainly entitled for condonation of delay in filing the appeal.

In the result, the application is allowed. The delay in filing the appeal is thereby condoned.

Sd/-

Date: 08-10-2024

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

