

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE  
AVENUE, DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**ATA No. 1051(4)2014**

M/s. Santa Events & Exhibition Pvt. Ltd.

Appellant

VS.

APFC, Delhi

Respondent

**ORDER DATED:- 23/08/2022**

Present:- Shri B.K Chhabra, Ld. Counsel for the Appellant.

Shri Rajesh Kumar, Ld. Counsel for the Respondent.

This order deals with the application filed by the appellant praying to set aside the order dated 30/03/2022 and restore the appeal to it's original no which has been dismissed for the default of the appellant. Notice of the petition was served on the Respondent and argument was heard.

On perusal of the record and on hearing the submission it appears that the order of dismissal was passed on account of non appearance of the appellant on the date fixed for hearing.

The learned counsel for the appellant in the petition for restoration has taken a stand that the matter was listed on 05/01/2022 for final argument and the HR Manager of the appellant establishment was present. During the court proceeding the Reader of the Tribunal came out of the court Room and pronounced the date as 04/04/2022 to which all the cases listed are adjourned except few cases in which the dates of adjournment were given differently. The HR Manager inadvertently noted the date as 04/04/2022 and accordingly informed the counsel. On the said date when the HR Manager again came to the Tribunal did not find the case in the daily cause list and on inquiry, learnt about the order of dismissal on default passed by the Tribunal on 30/03/2022. By filing a copy the advocate's diary, the appellant has pleaded that the absence of the appellant on the date fixed was never intentional, but for wrong noting of the date. The bonafides of the appellant can be inferred from the fact that without wasting time the present application was filed. It was also argued that the appeal involves the valuable right of the appellant and a part of the assessed amount has been deposited with the Respondent as a pre condition for interim stay.

In reply the learned counsel for the Respondent Shri Rajesh Kumar took serious objection to the petition. Besides arguing on the legislative intention behind the statute, he submitted that the appeal relates to the year 2014 and the appellant is availing the benefit of interim stay since 17<sup>th</sup> October 2014. The amount assessed under 14B and 7Q are close to 24 lakh. For the interim stay granted the respondent could not recover the assessed amount of interest as well which is meant to benefit the workers. Hence he argued for rejection of the petition praying restoration of the appeal.

On hearing the argument and on perusal of the record and photo copy of the advocate's diary filed by the appellant, it appears that the default on the part of the appellant was for wrong noting of

the date by the AR of the appellant and as soon as it came to their notice that the appeal has been dismissed for non prosecution the present application for restoration was filed.

It is pertinent to observe that the courts and Tribunals exist to subserve the cause of justice and not to punish the parties for any inadvertent mistake committed in conduct of the case. Considering the matter from that perspective, it is felt proper to allow the application for restoration. Accordingly, the petition is allowed. The appeal is restored to it's original no. since the pleadings of the parties has been completed, list the matter on 07.12.2022 for final argument of the appeal.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208  
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

**Appeal No. D-2/31/2022**

M/s. SM Milkose  
Through Sh. Manish Kaushik, Ld. Counsels for the Appellant

Appellant

Vs.

RPFC, Noida  
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

Respondent

**ORDER DATED :- 23/08/2022**

Arguments on the maintainability of the appeal before this Tribunal heard in part. The Registry of this Tribunal also pointed out that the Appellant has sought plural remedies as more than one notices/orders have been challenged in this appeal. List the matter on 30.08.2022 for continuation of the arguments.

**Presiding Officer**

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208  
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

**Appeal No. 1502(16)2015**

M/s. Arjan Auto Pvt. Ltd.  
Through Sh. S.K Gupta, Ld. Counsels for the Appellant

Appellant

Vs.

APFC, Gurgaon  
Through Ms. Neeru, Proxy for Sh. B.B Pradhan, Ld. Counsel for the Respondent

Respondent

**ORDER DATED :- 23/08/2022**

The Proxy Counsel appearing on behalf of the Respondent asked for an adjournment in this matter on account of illness of the regular Counsel. Granted. List the matter on 13.10.2022 for final arguments.

**Presiding Officer**

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208  
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.  
Appeal No. D-2/07/2019**

M/s. Arcotech Limited  
Through Sh. Abhishek Shukla, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Gurgaon  
Through Ms. Neeru, Proxy for Sh. B.B Pradhan, Ld. Counsel for the Respondent

Respondent

**ORDER DATED :- 23/08/2022**

The Proxy Counsel appearing on behalf of the Respondent asked for an adjournment in this matter on account of illness of the regular Counsel. Granted. List the matter on 13.10.2022 for final arguments.

**Presiding Officer**

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208  
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

**Appeal No. D-2/30/2019**

M/s. Greater Noida Industrial Development Authority  
Through Sh. S.K Gupta, Ld. Counsels for the Appellant

Appellant

Vs.

RPFC, Noida  
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

Respondent

**ORDER DATED :- 23/08/2022**

Arguments heard in part. Both the Counsels are directed to file written synopsis/statement/recent judgements to assist this court. List the matter on 17.10.2022 for continuation of the arguments.

**Presiding Officer**