

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, DELHI**

Misc. Application for condonation of delay in D-1/11/2023

M/s Indospirit Distribution Ltd. vs. APFC/RPFC, Delhi East.

Present: Sh.Ayush Vajpayee, Ld. Counsel for the Appellant.
Sh. Sunil Ranjan, A/R for the Respondent.

ORAL

Order dated-13.08.2025

Before proceeding further for disposal of this application for condonation of delay, it is important to mention herein that this tribunal was earlier presided by Hon'ble Justice Vikas Kunwar Shrivastav, who had reserved the order on 05.04.2024 on the application filed for condonation of delay. After receiving the charge of this tribunal, this tribunal had ordered to release this file from the reserved list and the matter is listed today for arguments on the misc. application filed for condonation of delay.

Counsel for the appellant has stated that appeal was filed on 29.03.2023 against the order dated 13.01.2023 which was received to him on 01.02.2023. He further submitted that the said fact was to be confirmed from the Indian Post where the consignment was booked on 31.01.2023. Therefore, his appeal was filed within the prescribed period of limitation as per the **Tribunal (Procedure) Rules, 1997**.

Respondent has not chosen to file reply to this application, however, he has filed the written submission which is akin to the reply along with a status report signed by Sh. Brij Mohan Singh, RPFC-II. He has stated that appeal is time barred because it has been filed after a delay of fifteen days. He had referred the judgement passed by Hon'ble Supreme Court in the case of **Brijesh Kumar and Ors. Vs. State of Haryana and Ors., reported at (2014)11 SCC 351** whereby it was categorically held that sufficient cause is the condition precedent for exercising the discretion by court for condoning the delay. Here, the petitioner could not take benefit because he has not explained the delay.

Before proceeding further, it is important to mention the provision of Rule 7 (2) of the Rules which are as under:-

7.Fee, time for filing appeal, deposit of amount due on filing appeal.—

(1) Every appeal filed with the Registrar shall be accompanied by a fee of Rupees five hundred to be remitted in the

form of Crossed Demand Draft on a nationalized bank in favour of the Registrar of the Tribunal and payable at the main branch of that Bank at the station where the seat of the said Tribunal situate.

(2) Any person aggrieved by a notification issued by the Central Government or an order passed by the Central Government or any other authority under the Act, may within 60 days from the date of issue of the notification/order, prefer an appeal to the Tribunal.

Provided that the Tribunal may if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of 60 days.

Provided further that no appeal by the employer shall be entertained by the Tribunal unless he has deposited with the Tribunal a Demand Draft payable in the Fund and bearing 75% of the amount due from him as determined under Section 7-A.

Provided also that the Tribunal may for reasons to be recorded in writing, waive or reduce the amount to be deposited under Section 7-O.

The above said provision makes it clear that the appellant has the right to file the appeal against the impugned order passed by the respondent. That right has to be exercised within sixty days from passing of the order. Further, this tribunal has been given wide discretion for condoning the delay for another sixty days if the appellant is able to satisfy that the circumstances are beyond his control which prevented him from filing the appeal in time.

I have heard the arguments at bar and gone through the record. Certain facts are admitted that the order has been passed on 13.01.2023 and the appeal was admittedly filed on 29.03.2023 just after expiry of the first period of limitation of sixty days which has been prescribed under the Rules. Here the appellant's contention is that he has received the order on 01.02.2023 which is supported with the postal tracking report i.e. **Annexure R-6**. It is mentioned in the said tracking report that the consignment was booked on 31.01.2023 and the same was delivered on 01.02.2023. Therefore, the claim of the appellant that he had received the impugned order on 01.02.2023 is confirmed by the respondent department itself.

In these circumstances, delay in filing of the appeal cannot be attributed to the appellant. Rather than, it is now established that the appeal is filed well within the period of limitation. Therefore, with this observation, the application for condonation of delay

stands disposed of. Put up the matter on 23.09.2025 for consideration of another misc. application filed for seeking stay. In the meanwhile, respondent authority is directed not to take any coercive measures for recovery of the amount as mentioned in the impugned order till further order.

Sd/-
(Atul Kumar Garg)
Presiding Officer