

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

Appeal no. D-1/26/2019

M/s. Multiserv India Pvt. Ltd.

.....Appellant

Through:- None for the appellant.

VS.

APFC, Delhi (South).

.....Respondent

Through:- Ms. Swati Surhatia, Ld. counsel for the respondent.

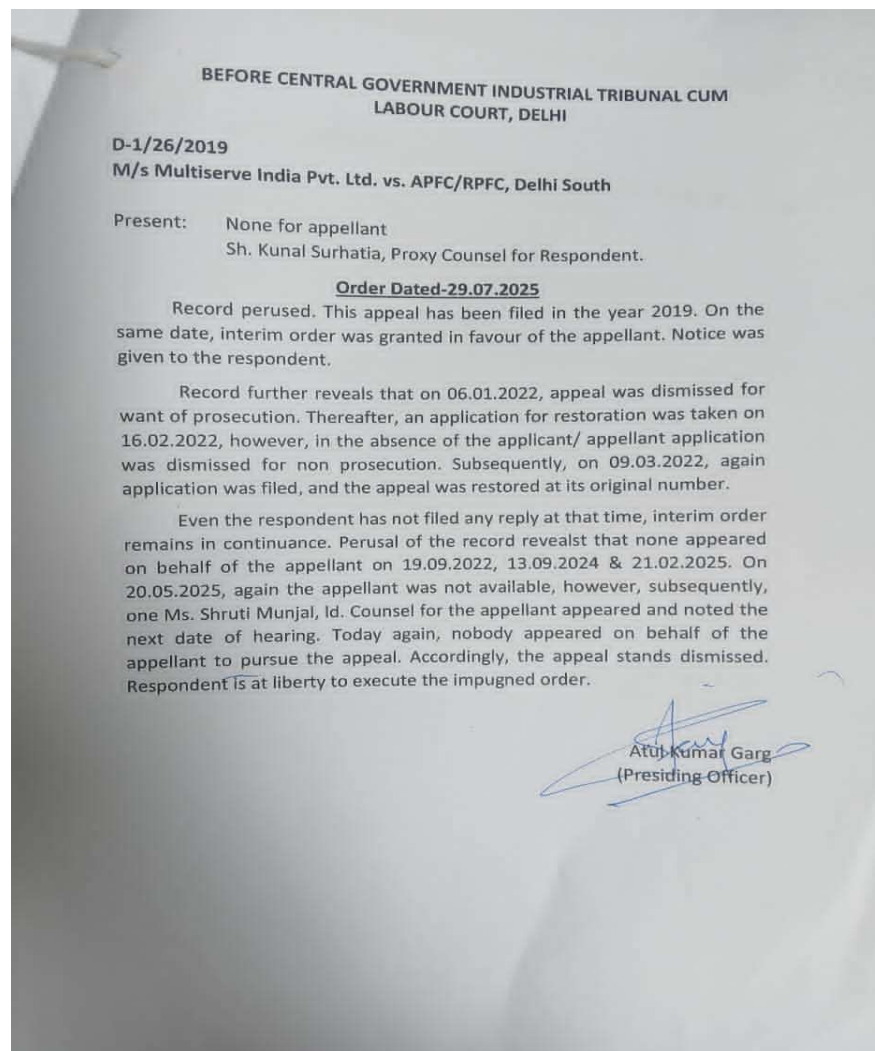
Order Dated:- 15.09.2025

This order shall dispose of an application filed by the appellant under order IX rule 4 read with section 151 CPC seeking restoration of the present appeal and recalling of the order dated 29.07.2025. It is submitted that the non-prosecution of the appeal on the part of Ld. Counsel for the appellant is neither deliberate nor intentional, but occurred because of some bona fide mistakes on the last date of hearing. It is further submitted that the Ld. Counsel for the appellant who appeared on 20.05.2025, noted down the wrong date of next hearing. As a result, neither the counsel for the appellant nor the appellant could appear before the Tribunal on 29.07.2025, and the appeal was consequently dismissed.

It is also submitted that after the dismissal of the appeal, the Recovery Officer issued a recovery of dues letter dated 11.08.2025 vide letter no. DL(W)/17051/Recovery/895 to the appellant, seeking recovery of the alleged amount of Rs. 56,93,142/- and directed it to appear before him on 25.08.2025 at 11:00 AM for submission of compliance. The appellant prays that if the appeal is not restored, it would result in irreparable loss to him.

Upon service of the advance notice, the respondent's counsel appeared. She opposed the prayer stating that the appeal had been dismissed earlier also and subsequently restored, and that the appellant has been negligent in pursuing the matter. Therefore, no indulgence is required to be given by this Tribunal to the appellant by allowing the application.

I have heard the submissions of both counsels and gone through records of this appeal. In this respect, the order dated 29.07.2025 passed by this Tribunal is required to be reproduced. For the sake of convenience, it is pasted herein:



In the said order, this Tribunal noticed that the interim order was granted in favour of the appellant on the very first date of hearing, i.e., 23.04.2019. Thereafter, the appellant chose to remain absent on various dates. On 20.05.2025, no one on behalf of the appellant appeared initially, though later, Ms. Shruti Munjal, counsel for the appellant appeared and noted the next date of hearing. Despite this, the appellant remained absent on the subsequent date of hearing, i.e., 29.07.2025, when the appeal was dismissed. The circumstances demonstrate that the plea taken by applicant/appellant that counsel for the appellant noted the wrong date cannot be accepted, particularly when the counsel's mobile number 9818020077 had also been recorded by this Tribunal. The appellant woke up only when it received the recovery notice, as it has mentioned in its affidavit.

In these circumstances, no further indulgence can be granted to the appellant by this Tribunal by allowing this application.

Considering the above facts, the application, being devoid of merit, stands dismissed. Copies of this order be sent to both parties via e-mail. Consign the records to the record room.

Sd/-

(Atul Kumar Garg)
Presiding Officer