

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, No. 1 DELHI**

**D-1/09/2025**

**M/s Wecare Formulations (P) Ltd. vs. APFC/RPFC, Delhi (East).**

Present: Ms. Veena Chaudhary, Proxy Counsel, for the appellant.  
Sh. S.N Mahanta, Ld. Counsel along with Sh. Sunil Ranjan,  
AR for the respondent.

**Order dated-16.09.2025**

Appellant has pressed his application for condonation of delay in filing the present appeal. It has been submitted by the appellant that the impugned order dated 31.03.2023, was received to him on 01.11.2024. It is his case that he was shocked to see notice to show cause why a warrant of arrest should not be issued. He could not understand why such notice was issued. As such, he stated that delay if any in filing of the application be condoned, infact he has filed the appeal within limitation i.e. on 23.12.2024 within 60 days.

Respondent has filed the reply of this application. He has stated in his reply that during 7A inquiry proceedings sufficient opportunities were granted to the establishment but he miserably failed to avail those opportunities and did not produce relevant records. EO has visited the establishment and met Sh. Vikas Kumar and given him summon. Appellant has intentionally avoided the proceedings. He submitted that order has been sent to the establishment at their respective registered address and registered e-mail Id and also was uploaded in the aforesaid portal. As such, he submitted that there is a delay which cannot be condoned.

I have heard the argument at bar and gone through the record of this case. Before proceeding further, language of Rule 7(2) is required to be produced herein:

***Rule 7(2) Fee, time for filing appeal, deposit of amount due on filing appeal.- (1)....***

*(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 a Tribunal unless he has [deposited with the Tribunal a Demand Draft payable in the Fund and bearing] 75 per cent of the amount due from him as determined under section 7A:*

*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.*

From the perusal of the above said facts, it becomes quite clear that this Tribunal had been given the wide discretion power to condone the delay of further 60 days, if the appellant demonstrates the circumstances which prevented him for filing of the appeal. However, here is a delay for more than one year in filing the appeal.

Appellant stand is that he has filed the appeal within limitation from the date of knowledge of the order. Infact, he came to know about the order only on 10.11.2024 when he had received the show-cause notice as

to why the warrant of arrest was not issued. He has filed the appeal on 23.12.2024 itself which is well within 60 days.

If we go to the order passed by Ld. RPFC, it appears that the order is an ex-parte order. Respondent has not appeared in any of the proceedings conducted before the RPFC. No summon was ever served through post to the appellant. The entire trial court record which has been brought by the officials is silent on which date EO visited and met with Sh. Vikas Kumar. There is no record available of the bailable warrant issued by the department and what were the consequences of the issuance of the bailable warrant. Even, there is no register receipt placed on record by which the order was sent through post.

In these circumstances, this Tribunal has no option except to believe the version of the appellant that it had received the order on 10.11.2024. The appeal is filed within limitation i.e. on 23.12.2024. With this, application stands disposed of being filed within limitation.

Put up for reply and argument on the application under section 7-O on 10.11.2025.

Sd/-  
Atul Kumar Garg  
(Presiding Officer)