

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

D-1/27/2019

M/s. Coromandal Agrico Pvt. Ltd. vs. APFC/RPFC, Delhi (Central).

Present: Sh. S.K Gupta, Ld. Counsel for the Appellant.

Sh. Yash Narayan, Proxy Counsel along with Sh. Rahul, AR for the Respondent.

Order dated-17.09.2025

1. Appellant has pressed his application for restoration of the appeal **under rule 15 of the Rules, 1997**. He had stated that on 15.11.2022, matter was listed and his appeal was dismissed in default. However, neither the appellant nor its counsel was present, as no notice or intimation of hearing was issued to the parties. Thereafter, matters were routinely being adjourned by the court master because the health of the Hon'ble Presiding Officer of CGIT-I was not good. Unfortunately, the Hon'ble Presiding Officer was expired on 04.12.2024.
2. It is further his case that he has inquired with the registry from time to time, but the case file was not traceable. Finally, he has moved an application for supplying the certified copies of the proceeding that was made available to him in the month of August, 2025 and finally he has filed this application for restoration of appeal which was dismissed in default.
3. Counsel for the respondent has opposed the prayer stating that the application has been filed after almost three years of dismissal. No cogent reason has been assigned by the appellant's counsel who has been regularly appearing before this Tribunal since the date, this

Tribunal has taken the charge of CGIT-I. Therefore, stating that he was not aware about the result of the case is a false claim.

4. I have heard the argument at par and perused the record of this case. Before proceeding further, the text of rule 15 is required to be reproduced herein:

15. Action on appeal for appellant's default. (1) Where on the date fixed for hearing of the appeal or on any other date to which such hearing may be adjourned, the appellant does not appear when the appeal is called for hearing, the Tribunal may, in its discretion, either dismiss the appeal for default or hear and decide it on merit.

(2) Where an appeal has been dismissed for default and the appellant files an appeal within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non appearance when the appeal was called for hearing, the Tribunal shall make an order setting aside the order dismissing the appeal and restore the same.

Provided, however, where the case was disposed of on merits the decision shall not be re-opened except by way of review.

5. From the perusal of the above said text, it is quite clear that application for restoration of the appeal under rule 15 is to be filed within thirty days of its dismissal, if the appellant is able to show sufficient reason for his absence. However, it is the matter of fact that Sh. S.K Gupta, Counsel of the appellant has been regularly appearing in this Tribunal, at least since Dec, 2024 when the undersigned has taken the charge of the CGIT-I. He has not pointed out anything regarding this appeal being not put on board since Jan, 2025. He has woken up only in the month of July, 2025 and applied for certified copies. He had also

sent two mails to this registry about supplying the certified copy. It is also the matter of fact that Sh. S.K Gupta and Raj Kumar, counsels of the appellant has been continuously appearing before this Tribunal and instead of bringing the facts to the undersigned, he has chosen to send the e-mail which is nothing but to create the evidence.

6. Appellant's counsel submits that the copy of the order has not been dispatched which is mandatory. However, that is not only the ground for restoration of the appeal because appellant's counsel is aware about the proceedings being conducted as reflected from the proceedings in this case as well as in other appeal in which they have been appearing regularly.
7. Considering the above facts, application filed by the appellant for restoration of appeal is bereft and devoid of any merit. Hence, application filed by the appellant stands dismissed. A copy of this order be sent to both the parties through mail.

Sd/-
Atul Kumar Garg
(Presiding Officer)