

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

D-2/20/2025

M/s Launch My Career Pvt. Ltd. Vs. APFC/RPFC-II, RO Noida and Ors.

Present: Sh. Prakash Kumar, Ld. Counsel for the Appellant.
Ms. Santwana Agarwal, Ld. Counsel & Sh. Vijay Pal Singh,
A/R for the Respondent.

Order Dated-15.10.2025

1. This order shall dispose of an application **under Rule 7(2) of the Tribunal (Procedure) Rules, 1997** with the prayer that delay in filing the appeal be condoned. Appellant had submitted that in fact no order under section **14B and 7Q of the EPF & MP Act, 1952 (hereinafter referred as the Act)** was ever received to him. He was shocked to receive the notice dated 15.09.2025 why a warrant of arrest should not be issued. He immediately contacted the department on 16.09.2025 and inquired about the reason for issuing the show cause notice. Then he has come to know that the impugned order u/s 14B & 7Q of the Act was passed against him on 28.03.2025.

2. He submits that the limitation shall be started from 16.09.2025 when he had come to the knowledge about the said order and therefore, he had filed the appeal in time. He submits the delay be condoned.

3. Respondent chooses to file the written arguments in support of countering the submission of the appellant. The establishment has submitted online request for allotment of registration which was acknowledged by the office of the respondents and acknowledgement number 1000011754413 was given. He has provided all the details of the establishment including the details of the director viz. Shri Ankur Aggarwal, Director, PAN-AEZPA8603C, date of birth 31.12.1984 address-21, Vikas Marg, Extension Manak Vihar, Anand Vihar, New Delhi-110092, mobile no./

email-9910965656, ankur@veative.com postal address of establishment-Basement, B-121, Room No.-2, Sector-67, Noida, Gautam Buddha Nagar-201301, etc. (Copy of online application duly filled by the establishment enclosed).

4. He further submits that summons was duly served, physical copy of summons which was returned undelivered has been enclosed. Webex link was sent for hearing but nobody had appeared, hence, the respondent has passed the order. Even the order passed u/s 14B and 7Q of the Act was sent through speed post as such she submitted that the establishment is well within the knowledge about the order.

5. I have heard the arguments at bar and gone through the record of the case. Before proceeding further, language of **Rule 7(2) of the Tribunal (Procedure) Rules, 1997** 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.

6. Respondent contention is that the order u/s 14B & 7Q of the Act were sent through speed post, (copy of the speed post copy of the relevant, page from the dispatch record has been enclosed). However, it is also the matter of fact that no registered receipt has been enclosed whereby it has come to the knowledge of this tribunal about the stamp thereon showing exact date and time of dispatch as well as weight of the envelope carrying the impugned orders.

7. No tracking report has been enclosed. Even in spite of the order passed by this tribunal in several cases, respondent has not chosen to take care of following the directions issued. This tribunal in number of occasion has asked the respondent to list this matter on the cause list of the day when the order is to be pronounced but nothing has been done. Affixing Barcode on the envelope does not give any guarantee that it was actually dispatched. Barcode has been given in bulk to the department for convenience Only the registered receipt can show that in fact it was delivered or not delivered. If the envelope has not been delivered then certainly it has been returned.

8. One more thing has also been surfaced in the present case that respondent has placed reliance heavily on the summons sent to the appellant for joining the enquiry. However, according to the respondent that envelope has been returned back. I have seen the original envelope. The barcode has been affixed therein. No postal remark showing the reason for returning the envelope has been given, even no stamp has been affixed therein of the postal department to prove that in fact it has been sent. There is all probability that envelope has not been sent, otherwise, there is no occasion that the postal department returned the envelope without any comment or remark or without affixing any stamp therein. That evidence has been given before this tribunal to believe that in fact it was delivered which does not exist.

9. It is also important to mention here that appellant has never appeared before the RPFC and it was virtually the ex-parte order.

10. Circumstances suggest that it was never delivered. Order passed by the Ld. RPFC as well as the notice of summon has never delivered to the appellant. Therefore, this tribunal has no option except to believe that impugned order has been received by the appellant from the department after coming to know the notice issuing the arrest warrant.

11. In view of the above discussion, application for condonation of delay stands allowed. A copy of this order is sent to central provident fund commissioner for non-compliance of the direction given by this tribunal from time to time and tendering false evidence in the court to believe that in fact the summon to the establishment was sent through envelope which this tribunal has stated that it was never sent. The AR for the respondent is directed to collect the Trial Court Record as well as the dispatch register from the office of this tribunal after giving due acknowledgment.

Sd/-

Atul Kumar Garg
(Presiding Officer)