

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

Appeal no. D-2/15/2025

M/s. Om International School

.....Appellant

Through:- Sh. J.R. Sharma and Sh. Bhupesh Sharma, Ld. counsels
for the appellant.

Vs.

RPFC , Faridabad.

.....Respondent

Through:- Sh. S.N. Mahanta, Ld. Counsel for the respondent.

Order Dated:- 30.09.2025

This order shall dispose of an application filed by the appellant seeking condonation of delay. The appellant in its application submitted that it had received the ex-parte order dated 30.11.2018 passed by the respondent under section 7-A of the **Employees Provident Fund and Misc. Provisions Act, 1952** (Hereinafter referred to as 'the Act'), assessing Rs. 23,21,001/- for the period from July 2011 to May 2016, only on 14.05.2025 through Recovery Officer, EPFO, Faridabad. Therefore, it filed an application under section 7-A (4) of the Act before the respondent, which was disposed of by the respondent on 12.06.2025 in a mechanical manner. It is further submitted that the APFC issued a summons dated 22.06.2016 for the period from July 2011 to May 2016 which was never served upon the appellant, as from April 2015, the appellant school was leased out to Sh. Prabhakar Kaushik, resident of Village Nangal Brahman, District Palwal, Haryana, who was running the school and never informed the appellant about the receipt of any summons of notice. Hence, the appellant submitted that date of limitation should be counted when he came into knowledge of the above said order, i.e. 14.05.2025, and therefore, the appeal has been filed within the limitation.

The respondent filed a reply to the application stating that the present application is liable to be dismissed as the same is devoid of merit, has no legs to stand and is hopelessly time-barred. It further submitted that a show-cause notice dated 22.06.2016 was issued to the appellant in respect of the alleged non-deposit of Provident Fund dues for the period from July 2011 to May 2016 at its registered address. As the said notice was not returned undelivered, and therefore, assuming the notice duly served, several opportunities were afforded over the years to produce relevant documents and records. However, the appellant failed to do so. The respondent further submitted that the appellant is a habitual defaulter who has not discharged his past statutory obligations, and therefore, cannot be permitted to evade liability as said dues were assessed and determined on the basis of available records and the Enforcement Officer's report. The final order was duly uploaded on E-proceedings portal on 10.12.2018.

Further, Sh. Anuj Kumar, S/o Sh. Om Prakash (the appellant herein) received a notice of demand dated 03.10.2023 for recovery of an amount of Rs. He also received a show cause dated 07.12.2023, a show cause notice for arrest warrant dated 07.12.2023, and a notice to witness dated 05.03.2024. Copies of Show Cause Notice and Show Cause Notice for Arrest Warrant dated 26.08.2022 and 07.12.2023 were also received by him on 12.03.2024. Copies of these documents bearing the name of Sh. Anuj Kumar, his signatures along with his mobile number (9306335076) have also been produced by respondent. The respondent has relied upon a judgment of **Ms. Angoori Devi Inter College vs. State of UP & Ors. (WP no. 27906/2019)** where it was held that:

The time limit is prescribed by the rule making authority for filing an appeal and also extended period having been provided and no further extension thereof having been envisaged or contemplated, the appellate authority could not have granted any further extension.

Along with the reply to the application, the respondent enclosed various annexures, indicating the presence of son of the appellant (Sh. Anuj Kumar) before the respondent.

I have heard the arguments presented by both parties and gone through the record. The present appeal has been filed by the appellant through Sh. Om Prakash, President of Om Education Society, Rasulpur Road, Palwal, Haryana. Before proceeding further, the rule 07 (2) of Employees' Provident Fund Appellate Tribunal (Procedure) Rules, 1997, which reads as under:

(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.

As per the above rule, an appeal must be filed within sixty days of the order passed by the respondent authority under different sections. Further, the proviso attached with the rule has given discretion to the Tribunal to condone the delay for another sixty days if the appellant is able to demonstrate the sufficient cause which prevented him from filing the appeal.

Admittedly, the impugned order under section 7-A of the Act was passed on 30.11.2018, wherein the respondent authority assessed an amount of Rs. 23,21,001/- for the period from July 2011 to May 2016 . The Ld. Counsel for the appellant submitted that the order was received only on 14.05.2025. However, the documents on record reveal that the appellant had the knowledge of the said order much before that, because signature of Sh. Anuj Kumar, S/o Sh. Om Prakash, appear on various letters of proceedings conducted before the RPFC. Moreover, an amount of Rs. 1,00,000/- (Rupees One Lakh Only) had been deposited by the appellant in reference to the above said order. A copy of the Demand Draft of Rs. 1,00,000/- dated 11.03.2024, paid by the appellant, having the covering letter thereof in favour of the RPFC, has also been produced by the respondent. Therefore, it cannot be said that the appellant was not aware of the proceedings before the RPFC or the order dated 30.11.2018.

In view of the documents on record, it cannot be inferred that the appellant had no knowledge of the order dated 30.11.2018, and that the appeal has been filed within the period of limitation of sixty days. The appellant has not demonstrated any sufficient reason as to why it didn't file the appeal within time.

Hence, the application for condonation of delay stands dismissed. Consequent thereto, the appeal also stands dismissed. The record is consigned to the record room.


(Sd/-) _____

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Present:

None for the appellant.

Sh. S.N. Mahanta, Ld. Counsel for the Respondent.

Order dated- 30.09.2025

Vide my separate order pronounced in open court, the misc. application filed by the appellant, seeking condonation of delay stands dismissed. Consequent thereto, the appeal also stands dismissed. Let a copy of the order on the said application be sent to both parties through e-mail and the same be uploaded on the website. The office is directed to consign the record to the record room.



(Presiding Officer)