

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

**Appeal no. 265(4)2014**

**M/s Delhi Gymkhana Club Ltd. vs. RPFC Delhi Central.**

**Order Dated-12.06.2025**

1. This order shall dispose two application filed by the applicant-respondent counsel Sh. Kanhaiya Singhal, seeking vacation of stay granted by this tribunal vide order dated 01.04.2014. Other application has been filed for pre-ponement of hearing.
2. Facts of both the applications are similar in nature. Applicant submits that either the stay granted by this tribunal on the impugned order be lifted, alternatively, the date of hearing be postponed from 15.12.2025 to a nearby date.
3. Though, the applicant has not mentioned anything about the above aspect, however, intent of the applicant is that this tribunal had granted the stay way back in 2014, since then the matter has not been heard.
4. In this regard, record reveals that the stay was granted on 01.04.2014 subjected to deposit of 40% of the determined amount with the respondent authority within eight weeks of the order. It was made clear that operation of impugned order is stayed and the respondent authority was directed not to take any coercive measure till disposal of the appeal subject to the compliance of the condition imposed upon the appellant. One Anita Pandey appeared on 28.07.2016 and she had filed the counter reply. This shows that the appellant has complied with the condition and the stay shall continue till finalization of appeal. Thereafter, rejoinder had been taken on record on 20.02.2017. Case has been adjourned thereafter. Since the EPFAT was abolished thereafter, Covid-19 broke out. Even from 2023, Ld. Counsel for the respondent was not present on 08.05.2023, 18.09.2023, 16.10.2023, 30.10.2023, 04.12.2023. Since, 19.02.2024, the case has been adjourned en-block.

5. Once the stay has become absolute by complying with the directions of this tribunal vide which 40% of the assessed amount was deposited, then the counsel is not supposed to ask to vacate the stay. He can only ask for early hearing. Therefore, the present application seeking vacation of stay is nothing but an abuse of the process of law and I find no merit in the application. The same is dismissed with a cost of Rs.10,000/- to be deposited within four weeks with DSLSA.
6. So far so, the another application for pre-ponement of date is concerned, this is beyond the control of the tribunal. The undersigned has taken the additional charge of this tribunal on 27.12.2024 due to the sudden demise of the Presiding Officer. The pendency of the cases in R/o EPF appeals is nearly 600 cases apart from the ID Matters in CGIT-1 of which charge has been taken. Hence, this case is adjourned for hearing on 15.12.2025.
7. Even this tribunal, at this stage cannot entertain the plea of the applicant/respondent for pre-ponement of the date. However, this tribunal can assure that the matter be heard positively on the date already fixed. For this a notice be issued to both the parties to appear on the date fixed. A copy of this order be sent along with the notice.

Sd/-  
Atul Kumar Garg  
(Presiding Officer)

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

**Appeal no. D-1/24/2021**

**M/s Dewan International vs. RPFC/APFC Delhi Central.**

**Order Dated-12.06.2025**

1. This order shall dispose of two application filed by respondent counsel Sh. Kanhaiya Singhal, one for the vacation of stay granted by this tribunal on 29.09.2021 and another for pre-ponement of date of hearing from 11.12.2025.
2. Record perused. This tribunal had given the stay on the impugned order passed **u/s 7A of the EPF & MP Act, 1952 (hereinafter referred as the Act)** on 29.09.2021 after hearing both the parties imposing a condition of deposit of 30% of the assessed amount. Stay become absolute when the FDR was deposited on 17.11.2021. Thereafter, matter was listed for filing of reply and rejoinder. Even in between, one misc. application had been filed by the respondent counsel for vacation of the stay on 06.09.2022. That application is still pending for disposal. Despite this, again an application has been filed by the respondent on the same grounds.
3. Once the stay has become absolute by complying with the directions of this tribunal vide which 30% of the assessed amount was deposited, then the counsel is not supposed to ask to vacate the stay. He can only ask for early hearing. Therefore, the previous application filed on 06.09.2022 as well as the present application are nothing but an abuse of the process of law and the same stand dismissed with a cost of Rs.10,000/- to be deposited within four weeks with DSLSA.
4. So far so, the other application for pre-ponement is concerned, it is important to mention here that the undersigned has taken additional charge of this tribunal on 27.12.2024 due to the sudden demise of the Presiding Officer of CGIT-1. The pendency of the cases in respect of EPF appeals is nearly 600 cases apart from the ID Matters in CGIT-1 of which charge has been taken. Hence, this case is adjourned for hearing on 11.12.2025.

5. The above fact is beyond the control of the tribunal. Hence, this tribunal at this stage cannot entertain the plea of the applicant/respondent for pre-ponement of the date. However, this tribunal can assure that the matter is heard positively on the date already fixed. For this a notice be issued to both the parties to appear on the date fixed. A copy of this order be sent along with the notice.

Sd/-  
Atul Kumar Garg  
(Presiding Officer)

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

**Appeal no. D-1/60/2022**

**M/s United Coffee House vs. APFC Delhi Central.**

**Order Dated-12.06.2025**

1. This order shall dispose of two application filed by respondent counsel Sh. Kanhaiya Singhal, one for the vacation of stay granted by this tribunal on 05.01.2023 and another for pre-ponement of date of hearing from 15.07.2025. He submits that failure to deposit legitimate dues of the worker cause hardship to the workmen and employees. He further submits that the order dated 05.01.2023 was passed by this tribunal without hearing the respondent and therefore, he prays that the stay granted by this tribunal vide order 05.01.2023 be vacated.

2. In the other application he has submitted that the EPF Act tries to ensure providing insurance and pension benefits to the employees of the establishment. Therefore, the appeal be heard on priority basis as the stay is operational from last two years which is effecting the present respondent and his legal rights. Moreover, the said dues are the hard earned money of the poor workman as such he submits that matter be preponed from the date of hearing affixed i.e. 15.07.2025 to any earlier date.

3. Record perused. The present appeal has been preferred by the appellant against the order passed u/s 14 B & 7Q of the EPF & MP Act, 1952 on 28.12.2022. On 05.01.2023, in the presence of the counsels for both the parties, the appeal stands admitted for hearing because it was found that the appeal was filed within time. Matter was listed for filing of reply by the respondent to the prayer of the appellant for granting stay on operation of the impugned order on that day it was ordered that the respondent authorities will not proceed to enforce the impugned order till next date of hearing. Further on 12.01.2023, it was the respondent who sought more time to file reply of the prayer made on behalf of the appellant for granting stay. On 28.02.2023, the reply was filed and interim orders were extended till next date of hearing. Thereafter, on 11.04.2023, 26.05.2023, 13.10.2023, 08.12.2023, 05.04.2024, none appeared on behalf of the respondent

and the case was adjourned. After that the case was adjourned en-block. Even on 14.01.2025, when the undersigned took the additional charge of CGIT-1, one Sh. Aditya Shroff proxy counsel for the respondent was present. Even on 23.01.2025, respondent was not represented. It was only on 17.04.2025, Sh. Kanhaiya Singhal represented the matter and matter was re-notified for 15.07.2025 as this tribunal does not find time to hear the matter.

4. In these circumstances, these two applications have been filed. Most of the time, it was the respondent applicant who was negligent. In order to put curtain on his fault for not appearing, this application are moved for vacation of stay as well as for pre-ponement of the date. This application was pressed by the applicant on 15.05.2025 but the counsel has requested to pre-pone the date of 17.04.2025 which is nothing but an abuse itself. In these circumstances, the application for vacation of stay is dismissed with a cost of Rs.10,000/- to be deposited within four weeks with DSLSA.

5. So far so, the other application for pre-ponement is concerned, the shortest possible date of 15.07.2025 has been given considering the fact that application/ prayer seeking stay has not been decided. On this account, the application praying for pre-ponement is also dismissed.

Sd/-  
Atul Kumar Garg  
(Presiding Officer)