

29.6.2021

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO.1 MUMBAI

Present

Justice Ravindra Nath Kakkar

M/s. Dr. Writer Food Products ... Appellant

Vs

Assistant Provident Fund Commissioner ... Respondent
Bandra

Presence:

For the Appellant : Mr.H.L.Chhedda (Authorized Legal Representative)

For the Respondent : Mr. Sunil Surana, (Adv.)

ORDER

1. The present appeal is filed by the appellant under section 7(I) of the EPF& MP Act, 1952 (hereinafter referred to as 'Act') against the order dated 20.10.2020 passed by the Regional Provident Fund Commissioner, the Respondent under section 14-B of the Act for an assessed damage amounting to Rs.12,86,856/- for the period March 2010 to June 2019.
2. An appeal against the impugned order was filed on 27.01.2021. Along with this appeal, three Miscellaneous Applications: (1) Condonation of delay, (2)



Application for Waiver/Reduction of pre-deposit under proviso of Section 7-O, and (3) Application for grant of stay has also been filed by the Appellant.

3. Perusal of the scrutiny report reveals that the impugned order was received on 02/11/2020 and appeal has been filed on 27/01/2021 admittedly beyond 60 days but within 120 days.
4. Learned counsel for the appellant submitted that miscellaneous application for condonation of delay has been filed which is supported with an affidavit. It is further stated that the delay so caused was due to spread of COVID-19 pandemic because of which only 30% of the working staff was present. Owing to this situation, officers were prevented to attend the office and take timely steps. The delay in filing the appeal was not intentional or with any ill motive but was due to genuine problem faced by the appellant and the exigencies existing at that particular time.
5. Further, in support of his arguments, the appellant relied on the order passed by the Hon'ble Supreme Court in Miscellaneous Application No. 665/2021 in SMW(C) No. 3/202 dated 27.04.2021 in paragraph 4 which states that *"It is further clarified that the period from 14th March, 2021 till further orders shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings"*.
6. Learned counsel for the Respondent opposed the delay condonation application.
7. Perused the record and heard the parties.
8. Considering the facts and circumstances, the grounds shown in the delay condonation application is found to be bonafide and genuine and also in view of the verdict laid down by the Hon'ble Apex Court, the computation of period of limitation in filing this appeal is to be excluded.



