

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

**Appeal no. D-2/22/2025**

**M/s. D.S. Enterprises Pvt. Ltd. ....Appellant**

Through:- None for the appellant.

Vs.

**Regional Provident Fund Commissioner-II,  
Gurgaon (Central)**

.....Respondent

Through:- Sh. Narendra Kumar ,Ld. counsel along  
with Sh. Manjeet Jakhar, Authorized Representative for  
the respondent.

**Order Dated:- 07.05.2026**

This order shall dispose of an application filed by the appellant seeking condonation of delaying filing the appeal. It has been submitted that the appellant establishment, namely M/s D.S. Enterprises, which was engaged in supplying manpower to the Gurgaon Municipal Corporation, had closed its business operations in the year 2017. It is further submitted that the appellant had earlier filed Writ Petition (C) No. 10293/2020 before the Hon'ble Delhi High Court challenging the order dated 07.12.2017 passed by the APFC. The respondent department had filed its counter reply and was fully aware of the correct address of the appellant establishment as "M/s D.S. Enterprises, DS House, 182, Atul Kataria Chowk, Gurugram, Haryana-122001 through its proprietor Sh. Ravinder Singh." However, the respondent issued summons dated 30.10.2023 at a different and incorrect address, namely "228, Deep Plaza, 2nd Floor, Opp. Court, Gurgaon, Haryana-122001," due to which the appellant never received the summons or notice of the proceedings. It has further been submitted that the proprietor, Sh. Ravinder Singh, received a demand notice for the first time on

22.07.2025 from the Recovery Officer at his residential address in Village Khachroli, District Jhajjar, Haryana, for recovery of Rs.32,16,797/- towards damages and interest for the period from 11/2016 to 10/2023. Thereafter, the proprietor sent an application dated 11.09.2025 informing the Recovery Officer regarding non-receipt of the impugned order and requested to provide him with a copy of the same, which was ultimately supplied to him through mail dated 17.09.2025. According to the appellant, the impugned orders dated 20.06.2024 came to his knowledge only on 17.09.2025. It is therefore submitted that the appeal has been filed within the prescribed limitation period.

It has further been submitted that the respondent concluded the proceedings ex parte and passed the impugned order dated 20.06.2024 levying damages of Rs.19,09,587/- under Section 14B and interest of Rs.13,07,210/- under Section 7Q of the EPF & MP Act without ensuring proper service of notice upon the appellant. The appellant has contended that the impugned order came to its knowledge only on 17.09.2025 upon receipt of the same through email from the Recovery Officer and, therefore, the delay in filing the appeal was neither deliberate nor intentional. Accordingly, it has been prayed that the delay in filing the appeal be condoned.

The Ld. Counsel for the respondent, in his reply, has submitted that the application is not legally maintainable and is misuse of process of law. It is asserted that the application is liable to be dismissed on the ground that the appeal has not been filed within the limitation period prescribed under the Act. He has relied upon the judgment of the Hon'ble Court of Delhi in LPA no. 533/2014 & CM no. 13306/2014 in the matter of "Saint Soldier Secondary School vs. Regional Provident Fund Commissioner" where it was held that the Tribunal had no jurisdiction to condone the delay in filing of appeal beyond the period of 120 days.

I have heard counsels for both parties, and gone through the entire reply. 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.

Nowhere in the reply has it been mentioned when the communication of the orders dated 20.06.2024 was sent to the appellant. The orders dated 20.06.2024 also reflects that the appellant didn't participate in the proceedings before the respondent, and nothing has been stated regarding the fact whether the appellant was ever served with notice. Therefore, this Tribunal has no option but to believe the version of the

appellant that it came to know of the impugned orders only on 17.09.2025 upon receipt of the same through email from the Recovery Officer. If the limitation is counted from the date of knowledge of the impugned orders, the appeal is found to be within the limitation period as prescribed in the Act.

Therefore, considering the above facts on record, the application seeking condonation of delay stands disposed of, holding that the appeal has been filed within the period of limitation.

Accordingly, the matter is listed for filing of reply and arguments on the appellant's application seeking stay on execution of the impugned orders on 21.05.2026. The LCR retained during the course of arguments is hereby returned to the Authorized Representative for the respondent, who is directed to collect the same from the registry.

Atul Kumar Garg

(Presiding Officer)

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT, No. 2 DELHI;**

**Appeal No. D-2/45/2024**

M/s. Rishi vastra Vyapar Pvt. Ltd. Appellant  
Through:- Sh. Prakash Kumar, ld. counsel for the appellant.

Vs.

RPFC/APFC, Gurgaon East ...Respondent  
Through:- Sh. Chakradhar Panda, ld. counsel & Sh. Lalit  
Kumar, A/R for the Respondent.

**Order Dated:-07.05.2026**

Ld. counsel for the respondent has filed amended memo of parties stating orally that the record under the present appeal has been transferred to the jurisdiction of EPFO Regional Office Gurugram, West from EPFO Regional Office Gurugram, East. He requested to make the necessary changes in the record. Perused the record. Office is directed to make necessary changes in the record of this tribunal.

He further prayed that due to the change in jurisdiction, he is unable to prepare the reply to this appeal and requested to grant him time of further four weeks. In the interest of justice, prayer to grant time is allowed with a direction to file the reply to this appeal within four weeks before the Registrar after supplying advance copy to the appellant. Ld. Counsel for the appellant, on receipt of the reply, shall have a time of further four weeks to file the rejoinder with the registrar. List the matter before the tribunal on 30.07.2026 in the category of final arguments.

(Atul Kumar Garg)

Presiding Officer