

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT No. 2/EPFAT, DELHI

D-2/20/2025

**M/s Launch My Career Pvt. Ltd. vs. APFC/RPFC-II, RO
Noida.**

Order dated-28.04.2026

Registry has reported that the Chief Manager **Sh. Anuj Kumar** on behalf of Bank of Baroda has furnished the demand draft worth Rs. 11,99,145/- in compliance of the order dated 23.04.2026.

Registrar, CGIT is directed to convert the said draft into the FD with the UCO Bank, Rouse Avenue Branch initially for the period of one year having auto renewal mode thereafter.

Let this matter be listed for the date fixed i.e. 12.05.2026 for the same purpose.

Atul Kumar Garg
(Presiding Officer)

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

Appeal no. D-2/03/2026

M/s. Genus Paper & Board Ltd.

....Appellant

Through:- Sh. Prakash Kumar, Ld. Counsel for
the appellant.

Vs.

APFC/RPFC, Meerut.

.....Respondent

Through:- None for the respondent.

Order Dated:- 28.04.2026

The Ld. Counsel for the respondent has sent a reply to the appellant's application seeking condonation of delay through the Ld. Counsel for the appellant, along with a medical certificate.

The Ld. Counsel for the appellant has pressed his application seeking condonation of delay in filing the appeal. It is submitted that the appeal has been preferred against the impugned ex-parte orders dated 11.05.2022 passed under section 14B and 7Q of the **Employees Provident Fund and Misc. Provisions Act, 1952 (Hereinafter referred to as 'the Act')**, by the APFC, DO-Muzaffarnagar, UP and the recovery order dated 06.02.2026. It is contention of the appellant that it was shocked to receive a recovery order dated 06.02.2026 (received on 17.02.2026), wherein it was directed to pay an amount of Rs. 22,00,024/-. The appellant immediately approached the department on 18.02.2026 and was informed about passing of the impugned orders dated 11.05.2022. Copies of the said orders were given to the appellant on 19.02.2026 for the first time. It is therefore

submitted that the appeal has been filed within the prescribed limitation period.

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 order dated 11.05.2022 was sent to the appellant. The order dated 11.05.2022 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 19.02.2026. 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 to the stay application on 20.05.2026.

Atul Kumar Garg

(Presiding Officer)

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

Appeal no. D-2/09/2026

M/s. Delhi Public School, Ghaziabad SocietyAppellant

Through:- Sh. S.K. Khanna, Ld. Counsel for the appellant.

Vs.

APFC/RPFC, Gurugram EastRespondent

Through:- Sh. Chakradhar Panda, Ld. Counsel for the respondent.

Order Dated:- 28.04.2026

The Ld. Counsel for the respondent submits that he has been engaged recently and sought time to file replies to the applications seeking condonation of delay and stay of the execution of the impugned orders.

The Ld. Counsel for the appellant has also filed an application under rule 21 of the **Employees Provident Fund and Misc. Provisions Act, 1952 (Hereinafter referred to as 'the Act')** seeking directions to the respondent to revoke attachment order dated 02.04.2026 issued to HDFC Bank. It is submitted that the instant appeal was filed on 30.03.2026 against the Composite order comprising no. GNGGN1469154000/2344 dated 28.02.2025 and HR/RO/GGN/Damages/7Q/1469154/2344 dated 28.02.2025. A copy of the appeal was served upon the respondent on 30.03.2026 itself. Despite this, the Recovery Officer issued an attachment order no. GN/GGN/EAST/Recovery/1469154/04 dated 02.04.2026 under section 8F of the Act to the HDFC Bank, 209-214, Kailash Building, 26, Kasturba Gandhi Marg, New Delhi directing the bank to remit Rs. 11,72,072/- from the account no. 50100169401492. The respondent didn't forward a copy of the attachment order dated 02.04.2026 to the appellant in contravention of statutory requirement under section 8F (3)(iii) of the Act. This Tribunal heard the matter on 07.04.2026 along with the prayer for stay on the operation of the composite orders dated 28.02.2025 and for condonation of delay and passed the order of status-quo in respect of the recovery. He further submitted that a hold had been created by the respondent on 13.03.2026, and

therefore, the said attachment order is in utter contempt of orders of this Tribunal.

Considering the fact that the appeal had been filed on 30.03.2026, and the attachment order under section 8F of the Act had been issued by the respondent on 02.04.2026, shortly after filing of the appeal, the respondent is directed to de-freeze the account of the appellant bearing account no. 50100169401492 maintained at the HDFC Bank, 209-214, Kailash Building, 26, Kasturba Gandhi Marg, New Delhi, within three days of the receipt of this order.

Accordingly, the matter is listed on 20.05.2026 for filing of replies to the applications seeking condonation of delay and stay of execution of the impugned orders. A copy of this order be also sent to the Branch Manager, HDFC Bank of the concerned branch via email. A copy of this order be also sent to the counsels for both parties.

Atul Kumar Garg
(Presiding Officer)

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

Item no. 4

D-2/09/2022

**M/s. Xcelserv Solution Pvt. Ltd. vs. APFC/RPFC,
Gurugram.**

Present: Sh. S.K Gupta, Ld. Counsel for the appellant.
Sh. Lalit Kumar, AR for the respondent.

Order dated-28.04.2026

Respondent's counsel has sent an application through mail, expressing his unavailability to appear today.

Record perused. Brief notes have been filed by the appellant's counsel. Let this matter be listed for final argument on 06.07.2026.

Atul Kumar Garg
(Presiding Officer)