

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No. 159(4)2014

M/s. Sahyog Flat Owners Association

Appellant

VS.

APFC, Delhi

Respondent

ORDER DATED :-10/05/2022

Present:- Shri S.K Gupta, Ld. Counsel for the appellant.

Shri Ajay Vikram Singh, Ld. Counsel for the Respondent.

This appeal challenges the composite orders passed by the APFC Delhi (south) on 12.12.2013 u/s 14B and 7Q of the EPF and MP Act 1952 (herein after referred to as the Act) levying damage and interest of Rs5,91,951/-and Rs1,97,154/-respectively on the appellant/establishment for the period Feb 1996 to May 2010.

The plea of the appellant taken in this appeal is that it is an association duly covered under the provisions of the Act. Since the date of its coverage, the establishment is diligent in deposit of PF dues of its employees including compliance of different provisions of the Act. Notice dated 6th Sept 2013 along with statement showing deposit of PF dues proposing levy of damage and interest was served on the appellant for the above said period. In the said show cause notice the appellant was directed to appear before the respondent on 26th Sept 2013. On the said day and thereafter the authorized representative of the appellant establishment appeared and raised dispute with regard to the method of calculation of the damage and interest and pointed out the anomalies. Not only that during the inquiry on 15th October 2013, submitted a written representation raising various legal objections including the fact that the Respondent has initiated the inquiry belatedly and the persons in charge of

remittance of PF dues since have left service, the challan copies evidencing delay in remittance may be supplied to the establishment.. The authorized representative had also pointed out that the proceeding can not be taken separately for damage and interest as the Hon'ble High court of Delhi in the case of **System and Stamping vs. EPF Appellate Tribunal and Others** have held that the interest prescribed u/s 7Q being in-built under Para 32A in the quantum of damage, there can not be separate calculation of damage and interest. Amongst other grounds it was also pointed out that in view of Departmental circular dated 29th May 1990, the levy of damage should be as per the rate prescribed under the circular and nothing more towards separate interest. The validity of the circular has also been upheld by the Hon'ble High Court. The appellant had categorically prayed for production of evidence in respect of the deposits made to deny the proposed damage. The said written submission was never considered and the commissioner without considering the mitigating circumstances and without giving proper opportunity to the appellant for proving its bonafides for the default, abruptly closed the inquiry and passed the impugned order without application of mind. The Principle of Natural Justice were flaunted and the inquiry was hurriedly concluded. While pointing out various legal aspects and the position of law settled by the Apex Court and different High Courts, the appellant has pleaded that the impugned order is liable to be set aside on various legal grounds as has been stated in the appeal memo.

The counsel appearing on behalf of the respondent has filed a written reply objecting the stand taken by the appellant. Citing various judgments of the Hon'ble High Courts and the Apex Court he submitted that the provisions of EPF Act and the EPF Scheme do not prescribe explicitly that the interest and damage are in built under Para 32 A of the EPF scheme. Thus the plea of the appellant is baseless and cannot be accepted. He also submitted that several adjournments were allowed to the appellant during the inquiry who was arguing for waiver of the damage on the ground that there was no delay in remittance of the PF dues. Despite direction the appellant establishment could not produce the records showing deposit of the PF dues in time. Thus, the commissioner has passed a reasoned and speaking order.

The Ld. Counsel for the appellant during course of argument submitted that the APFC at the first instance initiated the inquiry after lapse of 12years which stands contrary to the circular issued by the EPFO. The mitigating circumstance explained in the written objection was not at all considered and no finding has been rendered on the mensrea of the establishment behind the delayed remittance which in view of the judicial pronouncements makes the order illegal. He also

argued that the commissioner has not assigned any reason as to why damage at the maximum rate was imposed when the commissioner has the discretion of reducing the same which is evident from the word “May” used in the section 14B of the Act. The impugned order passed u/s 14B also suffers from patent illegality in as much as not providing the opportunity to the appellant of explaining the mitigating circumstances, for not considering the written objection and for want of finding on the mensrea. The Ld. Counsel for the appellant submitted that the statute doesn't provide any time limit for initiating an inquiry u/s 14B of the Act. But the EPFO by its circular dated 15.10.1990 have issued guideline for initiating the inquiry u/s 14B within a period of 3years from the date when it falls due. Citing the judgment of the Hon'ble High Court of Allahabad in the case of **IOL vs. Union of India** , he submitted that the Hon'ble High Court have taken a serious view in the matter.

In reply the Ld. Counsel for the respondent citing various judgments of the Hon'ble High Court of Gujarat submitted that when the legislature has made no provision for limitation it would not be open to the court or Tribunal to introduce any such limitation on the grounds of fairness or justice. He placed reliance in the case of Hon'ble High court of Gujarat in **Gandhi Dham Spinning and manufacturing company limited vs. RPFC and another (1987LabI.C 659GUJ)** to argue on the principles that causes prejudice on account of delay in initiation of a proceeding. In the said judgment it has been held that prejudice on account of delay could arise if it was proved that it was irretrievable. In the said judgment it has also been held that for the purpose of section 14B there is no period of limitation prescribed and that for any negligence on the part of the department in taking the proceeding the employees who are 3rd parties cannot suffer. The only question that would really survive is the one whether on the facts and circumstances of a given case the show cause notice issued after lapse of time can be said to be issued beyond reasonable time. The test whether lapse of time is reasonable or not will depend upon the further facts whether the employer in the mean time has changed his position to his detriment and is likely to be irretrievably prejudiced by the belated issuance of such a show cause notice.

Considering the facts of the present appeal in the light of the principle decided in the above mentioned case the stand of the appellant that the impugned inquiry was barred by limitation seems acceptable as there is material on record that the establishment had approached the commissioner with a written representation demanding copies of the challans showing belated remittance as for the belated initiation of the inquiry it is not in a position to reconcile the delay mentioned in the show cause notice and the calculation

appended to it. It appears that the commissioner never considered the same nor assigned in the impugned order as to why the same was not supplied. More over the impugned order is silent with regard the manner of calculation of damage. The order seems to have been passed in a mechanical manner solely on the basis of a mathematical calculation and the source being the computer generated calculation sheet. Hence it is held that the belated issue of show cause notice has caused prejudice to the appellant.

The Ld. Counsel for the appellant further argued that the commissioner in this case has imposed the damage at the maximum rate prescribed under the scheme. He was neither aware of the discretion vested on him nor has assigned any reason for arriving at such a decision. To support his contention he relied upon the judgment of **APFC vs. Ashram Madhyamik, 2007LLR1249** wherein the Hon'ble High Court of Madhya Pradesh have held that imposition of full damage is not compulsory and it is discretionary as understood from the word "May" used. Not only that the Hon'ble Supreme Court in the case of **ESIC vs. HMT Limited (2008ILLJ814SC)** have clearly pronounced after considering the Hindustan Times case that when a discretion was conferred on the statutory authority to levy penal damage the provision could not be construed as imperative. While pointing towards the written objection dated 15/10/2013 filed by the establishment before the commissioner during the impugned inquiry, he argued that the said representation was containing all the pleas of the appellant in detail including miscalculation by the department. But none of the same was considered and answered in the impugned order. He also argued that the establishment in its objection before the commissioner had clearly indicated about the mitigating circumstances but the commissioner while passing the impugned order failed to consider the same. Non consideration of the same makes the order again illegal. To support his contention reliance was placed in the case of **M/s Prestolite of India Ltd. vs. the Regional Director and other, AIR1994 Supreme Court, 521.**

On hearing the argument and on perusal of the impugned order it appears that the commissioner never accepted the objection with regard to the calculation of the damage and interest, gave no finding on the mitigating circumstances behind the delay in remittance nor considered the written objection filed by the establishment. On behalf of the appellant along with the appeal the office copy of the written submission submitted to the APFC has been filed which contains the seal of receipt by the Respondent. In the said representation the establishment had clearly stated about deposit of Rs90,802/- vide DD No 249606 dated 02/02/2002 towards damage for

the period from 02/1985 to 08/1997. The impugned order shows that the commissioner took note of the same and observed that the department submitted that the said amount has been credited to the department account and the period for which it was paid being since falls within the inquiry period shall be excluded from the calculation. But surprisingly there is no observation in the order if the said deposit was taken in to consideration for calculation. It is more surprising to note that the commissioner while passing the order instead of reducing the amount for the said deposit made the calculation in a higher side than the calculation given in the show cause notice which is not supported by any reason given by the commissioner. This clearly leads to the conclusion that the commissioner while discharging a quasi judicial function has passed the impugned order without proper application of mind and the order is not based upon sound reasoning. The only factor which drove the commissioner for the conclusion is that the establishment did not produce the documents and records during inquiry. He failed to appreciate the mitigating circumstances behind the non production of documents which is attributable to the belated initiation of the inquiry only. It seems that the commissioner closed the inquiry abruptly and without considering the objection taken by the establishment and with out answering the objection and without giving a finding on mitigating circumstances pointed out by the establishment. Thus, from the totality of the circumstances and the pleas canvassed in this appeal it clearly appears that the commissioner had passed the impugned order u/s 14B and 7Q of the Act without application of mind and without giving due consideration to the various legal objection taken by the appellant.

Thus it is held that the commissioner has committed patent illegality while passing the impugned order u/s 14B of the Act and the said order cannot sustain in the eye of law. Hence, ordered.

ORDER

The appeal be and the same is allowed in part. The impugned order passed u/s 14B of the EPF and MP Act is hereby set aside. Any amount deposited by the appellant as a part of the assessed amount u/s 14B shall be refunded to the appellant by the EPFO within 60days from the date of communication of this order. The appeal in respect of the order passed calculating the interest is hereby confirmed.

Presiding Officer

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No. D-1/19/2022

M/s. Rachna Electricals Pvt. Ltd.

Appellant

VS.

APFC, Delhi (W)

Respondent

ORDER DATED :-10/05/2022

Present:- Shri Krishan Kartik, Ld. Counsel for the appellant.
Shri Sandeep Vishnu, Ld. Counsel for the Respondent.

This order deals with the admission and a separate petition filed by the appellant praying waiver of the condition prescribed u/s 70 of the Act directing deposit of 75% of the assessed amount as a pre condition for filing the appeal on the grounds stated in the petition.

Copy of the petition being served on the respondent the Ld. Counsel for the respondent appeared and participated in the hearing. The record reveals that the impugned order was passed on 30.07.2019 and the appeal has been filed on 22.03.2022 and thus, the registry has reported about the delay in filing the appeal. But the appellant has stated that the period of limitation having been condoned by the Hon'ble Supreme Court on account of the outbreak of COVID the appeal be treated as filed within the prescribed period of limitation. On hearing the submission and considering the circumstances the delay is condoned.

The other petition filed is for waiver/reduction of the pre deposit amount contemplated u/s 70 of the Act. The LD. Counsel for the appellant submitted that the inquiry was initiated on the basis of the complaint received from some of the ex-employees of the establishment. The appellant Mr. Lalit Babar was inducted as a director of M/s Rachna Electricals Pvt. Ltd. on 28.01.2014 for name sake only whereas all the affairs of the establishment were being handled by the other Directors Mr. Rakesh Babar and Rishabh Babar. The business of the establishment was closed down on 31.03.2015 unilaterally by those two directors. The appellant Lalit Babar is old and ailing and facing constant threats from different authorities in respect of statutory obligation in respect of the employees of the establishment. Being so threatened on some occasions he also made deposit of huge amount with the ESIC and EPF. On 08.03.2022 on receiving a mobile phone call and being served with a notice he could only know about the impugned order passed u/s 7A of the EPF and

MP Act. He then obtained the copy of the order and came to know that the respondent passed an unfounded and unreasoned order against the establishment assessing a huge amount payable towards the deficit deposit of its employees. The said order was passed in violation of the Principles of Natural Justice as no notice of inquiry was ever served on him nor he got the opportunity of setting up the defence. He thereby argued that the appellant has a strong case to argue and he is not in a position to comply the conditions laid u/s 70 of the Act on account of his shattered financial condition and has prayed for waiver of the said condition and admission of the appeal.

In reply the Ld. Counsel for the respondent took serious objection and while supporting the impugned order as reasoned order he pointed out the very purpose of the beneficial legislation and insisted for compliance of the provisions of section 70 by depositing 75% of the assessed amount. He also argued that during the inquiry the other directors Mr. Rishabh Babar and Rakesh Babar had appeared on different dates and requested for time which was allowed. Not only that the complainants had also appeared before the commissioner and their statements were recorded. The plea taken by the appellant that he was only a sleeping Director is not acceptable nor the order was passed behind his back.

Considering the submissions advanced by the counsel for both the parties an order need to be passed on the compliance/waiver of the condition laid u/s 70 of the Act. There is no dispute on the facts that in respect of some of the employees the establishment had defaulted in deposit of the contribution. At this stage no opinion can be formed on the personal liability of the appellant Lalit Babar or his financial condition to comply with the condition of pre deposit. The amount assessed is huge and the period in respect of which the default was made spans over two years. Thus, on hearing the argument advanced it is felt proper and desirable that pending disposal of the appeal the said amount be protected from being recovered from the appellant as the judicial approach requires that during the pendency of the appeal the impugned order having serious civil consequence must be suspended. In the ends of the justice it is hereby directed that the appellant shall deposit 30% of the assessed amount within 6 weeks from the date of this order towards compliance of the provisions of section 70 of the Act by way of FDR in the name of the registrar of the tribunal initially for a period of one year with provisions of auto renewal. On compliance of the above said direction the appeal shall be admitted and there would be stay on execution of the impugned order till disposal of the appeal. There would be an interim stay on the impugned order till the next date. Call the matter on 20.07.022 for compliance of the direction.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/13/2022

M/s. BSL Scaffolding Ltd.
Through None for the Appellant

Appellant

Vs.

APFC, Delhi (S)
Through Sh. Narender Singh, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

Proxy Counsel appeared on behalf of the Appellant and asked for an adjournment as the uncle of the regular counsel has passed away. Adjournment allowed. List the matter on 07.07.2022 for admission hearing.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/28/2022

M/s. New Delhi Municipal Council Appellant
Through Sh. Vaibhav Agnihotri & Piyush Jain, Ld. Counsel for the Appellant

Vs.

APFC, Delhi (C) Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

Arguments on the admission of the appeal as well as application filed for grant of stay heard. During the course of hearing it was pointed out by the Ld. Counsel for the Appellant that the entire assessed amount with reference to the impugned order stands recovered by the respondent authority. The Hon'ble High Court of Delhi had stopped the respondent authority to invite any claims for disbursement of the recovered amount vide order dated 28.03.2022 passed in W.P.(C) 5108/2022. The Ld. Counsel for the Appellant thus submitted that the W.P. (C) having been disposed of, a similar direction be given to the Respondent in the interest of justice.

The Ld. Counsel for the Respondent agreed that the entire assessed amount has been recovered in the meantime and before listing of the appeal. In view of the situation, the provisions of section 7 O stands complied and there being no other defect the appeal is admitted.

The Ld. Counsel for the Appellant insisted for a direction to the Respondent not to disburse the recovered amount pending disposal of the appeal. Learned Counsel for the Respondent sought time to advance argument on the same. As an interim measure, the Respondent is directed not to disburse or utilize the said recovered amount to the prejudice or the Appellant in any manner till the next date. Call the matter on 18.07.2022 for hearing on the prayer of the Appellant and reply to the appeal by the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/29/2022

M/s. New Delhi Municipal Council Appellant
Through Sh. Vaibhav Agnihotri & Piyush Jain, Ld. Counsel for the Appellant

Vs.

APFC, Delhi (C) Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

Arguments on the admission of the appeal as well as application filed for grant of stay heard. During the course of hearing it was pointed out by the Ld. Counsel for the Appellant that the entire assessed amount with reference to the impugned order stands recovered by the respondent authority. The Hon'ble High Court of Delhi had stopped the respondent authority to invite any claims for disbursement of the recovered amount vide order dated 28.03.2022 passed in W.P.(C) 5108/2022. The Ld. Counsel for the Appellant thus submitted that the W.P. (C) having been disposed of, a similar direction be given to the Respondent in the interest of justice.

The Ld. Counsel for the Respondent agreed that the entire assessed amount has been recovered in the meantime and before listing of the appeal. In view of the situation, the provisions of section 7 O stands complied and there being no other defect the appeal is admitted.

The Ld. Counsel for the Appellant insisted for a direction to the Respondent not to disburse the recovered amount pending disposal of the appeal. Learned Counsel for the Respondent sought time to advance argument on the same. As an interim measure, the Respondent is directed not to disburse or utilize the said recovered amount to the prejudice or the Appellant in any manner till the next date. Call the matter on 18.07.2022 for hearing on the prayer of the Appellant and reply to the appeal by the Respondent.

Presiding Officer

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT

**INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/30/2022

M/s. New Delhi Municipal Council Appellant
Through Sh. Vaibhav Agnihotri & Piyush Jain, Ld. Counsel for the Appellant

Vs.

APFC, Delhi (C) Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

Arguments on the admission of the appeal as well as application filed for grant of stay heard. During the course of hearing it was pointed out by the Ld. Counsel for the Appellant that the entire assessed amount with reference to the impugned order stands recovered by the respondent authority. The Hon'ble High Court of Delhi had stopped the respondent authority to invite any claims for disbursement of the recovered amount vide order dated 28.03.2022 passed in W.P.(C) 5108/2022. The Ld. Counsel for the Appellant thus submitted that the W.P. (C) having been disposed of, a similar direction be given to the Respondent in the interest of justice.

The Ld. Counsel for the Respondent agreed that the entire assessed amount has been recovered in the meantime and before listing of the appeal. In view of the situation, the provisions of section 7 O stands complied and there being no other defect the appeal is admitted.

The Ld. Counsel for the Appellant insisted for a direction to the Respondent not to disburse the recovered amount pending disposal of the appeal. Learned Counsel for the Respondent sought time to advance argument on the same. As an interim measure, the Respondent is directed not to disburse or utilize the said recovered amount to the prejudice or the Appellant in any manner till the next date. Call the matter on 18.07.2022 for hearing on the prayer of the Appellant and reply to the appeal by the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/31/2022

M/s. New Delhi Municipal Council Appellant
Through Sh. Vaibhav Agnihotri & Piyush Jain, Ld. Counsel for the Appellant

Vs.

APFC, Delhi (C) Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

Arguments on the admission of the appeal as well as application filed for grant of stay heard. During the course of hearing it was pointed out by the Ld. Counsel for the Appellant that the entire assessed amount with reference to the impugned order stands recovered by the respondent authority. The Hon'ble High Court of Delhi had stopped the respondent authority to invite any claims for disbursement of the recovered amount vide order dated 28.03.2022 passed in W.P.(C) 5108/2022. The Ld. Counsel for the Appellant thus submitted that the W.P. (C) having been disposed of, a similar direction be given to the Respondent in the interest of justice.

The Ld. Counsel for the Respondent agreed that the entire assessed amount has been recovered in the meantime and before listing of the appeal. In view of the situation, the provisions of section 7 O stands complied and there being no other defect the appeal is admitted.

The Ld. Counsel for the Appellant insisted for a direction to the Respondent not to disburse the recovered amount pending disposal of the appeal. Learned Counsel for the Respondent sought time to advance argument on the same. As an interim measure, the Respondent is directed not to disburse or utilize the said recovered amount to the prejudice or the Appellant in any manner till the next date. Call the matter on 18.07.2022 for hearing on the prayer of the Appellant and reply to the appeal by the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/32/2022

M/s. New Delhi Municipal Council Appellant
Through Sh. Vaibhav Agnihotri & Piyush Jain, Ld. Counsel for the Appellant

Vs.

APFC, Delhi (C) Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

Arguments on the admission of the appeal as well as application filed for grant of stay heard. During the course of hearing it was pointed out by the Ld. Counsel for the Appellant that the entire assessed amount with reference to the impugned order stands recovered by the respondent authority. The Hon'ble High Court of Delhi had stopped the respondent authority to invite any claims for disbursement of the recovered amount vide order dated 28.03.2022 passed in W.P.(C) 5108/2022. The Ld. Counsel for the Appellant thus submitted that the W.P. (C) having been disposed of, a similar direction be given to the Respondent in the interest of justice.

The Ld. Counsel for the Respondent agreed that the entire assessed amount has been recovered in the meantime and before listing of the appeal. In view of the situation, the provisions of section 7 O stands complied and there being no other defect the appeal is admitted.

The Ld. Counsel for the Appellant insisted for a direction to the Respondent not to disburse the recovered amount pending disposal of the appeal. Learned Counsel for the Respondent sought time to advance argument on the same. As an interim measure, the Respondent is directed not to disburse or utilize the said recovered amount to the prejudice or the Appellant in any manner till the next date. Call the matter on 18.07.2022 for hearing on the prayer of the Appellant and reply to the appeal by the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/110/2019

M/s. Sir Ganga Ram Hospital
Through Sh. Mitash Charu, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi (W)
Through Sh. Prem Prakash, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

No rejoinder filed. List the matter again on 20.7.2022 for filing
rejoinder by the Ld. Counsel for the Appellant.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/08/2021

M/s. High End Hospitality Pvt. Ltd.
Through Ms. Neetu Mishra, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi (N)
Through Sh. Rikesh Singh, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

List the matter again on 11.07.2022 for filing reply by the Ld.
Counsel for the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/15/2021

M/s. Metro Waste Handling Pvt. Ltd. Appellant
Through Sh.Raj Kumar A/R for the Appellant

Vs.

APFC, Delhi (N) & Smt. Sai Deepa, EO, Delhi (N) Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

List the matter again on 11.07.2022 for filing reply by the Ld.
Counsel for the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/19/2021

M/s. Gaurav Enterprises Appellant
Through Sh. Sanjay Kumar, Ld. Counsel for the Appellant

Vs.

1. CBT, 2.RPFC, Delhi (E) Respondent
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

List the matter again on 13.09.2022 for filing reply by the Ld.
Counsel for the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.
Appeal No. D-1/26/2021**

M/s. Cyber Media (India) Ltd.
Through Sh. Haribansh Manav, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi (S)
Through Sh. B.B Pradhan, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

Reply to the main appeal filed by the Ld. Counsel for the Respondent. Copy of the same stands supplied to the Ld. Counsel for the Appellant by the Ld. Counsel for the Respondent. List the matter 11.07.2022 for filing rejoinder, if any, for the Appellant.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 300(4)2010

M/s. Satyagure Marvellous Creations
Through None for the Appellant

Appellant

Vs.

RPFC, Delhi
Through Sh. Jai Kumar Sinaha, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As none pressed the application filed u/s 151 CPC on behalf of the Appellant. The Application stands dismissed as not pressed. List the matter on 19.07.2022 for final arguments.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/04/2021

M/s. Sartaj Utility Services
Through Sh. S.S Pandey, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi (E)
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

List the matter on 19.07.2022 for consideration of the restoration
application filed by the Ld. Counsel for the Appellant.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/18/2021

M/s. G.L Management Services Pvt. Ltd.
Through Sh. Manish Malhotra, Ld. Counsel for the Appellant

Appellant

Vs.

RPFC, Delhi (E)
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

List the matter 19.07.2022 for filing rejoinder by the Ld. Counsel for the Appellant. The hearing on the miscellaneous application filed by the Ld. Counsel Appellant is kept in abeyance till next date of hearing.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.
Appeal No. D-1/40/2021**

M/s. Franciscan (Fransican) Sisters
Trust St. Anthony Sr. Secondary School
Through Sh. Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi (C)
Through Sh. Rikesh Singh, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

Compliance of the order done. Compliance report filed.
Accordingly, the appeal is admitted and there shall be stay on operation
of the impugned order till finalization of the appeal. List the matter on
19.07.2022 for filing reply by the Ld. Counsel for the Respondent.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 194(4)2011

M/s. Dolphin International Ltd.
Through Sh.Raj Kumar A/R for the Appellant

Appellant

Vs.

APFC, Delhi
Through None for the Respondent

Respondent

ORDER DATED :- 10/05/2022

There is one request for adjournment on behalf of the Ld. A/R for the Appellant. Accordingly, list the matter on 13.09.2022 for final arguments.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/23/2020

M/s. E-Horizons Soft Tech Pvt. Ltd.
Through Sh. V.K Sharma, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi (S)
Through Sh. B.B Pradhan, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

Final arguments in the matter heard and concluded. List the matter on 05.07.2022 for pronouncement of order .

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/23/2020

M/s. Bal Bhawan Public School Appellant
Through Sh. S.P Arora & Sh. Rajiv Arora, Ld. Counsel for the Appellant

Vs.

RPFC, Delhi (S) Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

Final arguments heard in part. Let the matter be listed
tomorrow i.e. 12.05.2022 for continuation of the arguments.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 639(4)2013

M/s. Ace Laboratories Ltd.
Through Sh.Raj Kumar, A/R for the Appellant

Appellant

Vs.

RPFC, Delhi
Through None for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 13.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 154(4)2014

M/s. Ochoa Laboratories Ltd.
Through Sh. Sidharth Shanker,Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi
Through Sh. Rajesh Kumr,Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 13.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 238(4)2014

M/s. Grover Associates
Through None for the Appellant

Appellant

Vs.

APFC, Delhi
Through Sh.

Respondent

Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 13.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 271(4)2014

M/s. Green Tourists Services Pvt. Ltd.
Through Sh. B.K Chhabra, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi
Through Sh. Avnish Singh, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 13.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 659(4)2014

M/s. Dayal Massih
Through None for the Appellant

Appellant

Vs.

APFC, Delhi
Through Sh. Atul Kumar, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 13.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 660(4)2014

M/s. Dyal Massih
Through None for the Appellant

Appellant

Vs.

APFC, Delhi
Through Sh. Atul Kumar, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 13.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 661(4)2014

M/s. Dyal Massih
Through None for the Appellant

Appellant

Vs.

APFC, Delhi
Through Sh. Atul Kumar, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 14.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 796(4)2014

M/s. Hemnani Public School
Through None for the Appellant

Appellant

Vs.

APFC, Delhi
Through None for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 14.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 1094(4)2014

M/s. Puff India Pvt. Ltd. Appellant
Through Ms. Akanksha Narang, Ld. Counsel for the Appellant

Vs.

APFC, Delhi Respondent
Through Sh. Devinder Singh, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 14.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 1235(4)2014

M/s. AK Manpower Pvt. Ltd. Appellant
Through Ms. Akankash Narang, Ld. Counsel for the Appellant

Vs.

APFC, Delhi Respondent
Through None for the Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 14.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 1336(4)2014

M/s. Delhi Bureau of Text Books
Through Sh. Sanjay Kumar, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Delhi
Through Sh. Prem Prakash, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 12.09.2022.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/32/2020

M/s. Dusseldorf India Pvt. Ltd. Appellant
Through Sh. Avirat & Rajat Jariwall, Ld. Counsel for the Appellant

Vs.

APFC, Delhi (S) Respondent
Through Ms. Rashmi Malthotra, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

Arguments partly heard in this matter. List the matter on
14.09.2022 for continuation of the arguments.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 257(14)2017

M/s. Rashi Wears Pvt. Ltd. Noida Appellant
Through Sh. Sachin Agarwal, Ld. Counsel for the Appellant

Vs.

APFC, Noida Respondent
Through Sh. Narender Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

The LD. Counsel for the Respondent submitted that he has not received the copy of the restoration application. The Ld. Counsel for the Appellant agreed to supply a copy of the restoration application to the Ld. Counsel for the Respondent. Accordingly, list the matter on 19.07.2022 for consideration of the

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 2019(16)2016

M/s. Shyam Singh Bhatta
Through None for the Appellant

Appellant

Vs.

APFC, Gurgaon
Through Sh. Krishan Kartik, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

Arguments on the restoration application heard and concluded.
List the matter on 19.07.2022 for pronouncement of order on the same.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. 676(16)2013

M/s. Air France
Through None for the Appellant

Appellant

Vs.

APFC,Gurgaon
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

List the matter on 20.07.2022 for filing reply to the application
filed u/s 7 L(2) by the Ld. Counsel for the Appellant.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/04/2020

M/s. BHP Infrastructure Pvt. Ltd. Appellant
Through Sh. Bhupesh Sharma, Ld. Counsel for the Appellant

Vs.

APFC, Faridabad Respondent
Through Sh.Chakardhar Panda, Ld. Counsel for the Respondent

ORDER DATED :- 10/05/2022

List the matter again on 17.07.2022 for completion of pleadings.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/12/2020

M/s. ASF Insignia SEZ
Through Ms. Neetu Mishra, Ld. Counsel for the Appellant

Appellant

Vs.

APFC, Regional Office Gurgaon
Through Chakardhar Panda, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

There is one application filed for vacation of stay in this matter. Arguments on the said application heard and the following order is passed. List the matter on 13.09.2022 for final arugments as the pleadings in this matter are complete. Five pages order

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/10/2021

M/s. Shiv Nadar University
Through Sh. Raj Kumar A/R for the Appellant

Appellant

Vs.

RPFC, Noida
Through Sh.B.B Pradhan, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 10/05/2022

Reply to the main appeal filed by the Ld. Counsel for the Respondent. Copy of the same stands supplied to the A/R for the Appellant by the Ld. Counsel for the Respondent. List the matter 19.07.2022 for filing rejoinder, if any.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/16/2020

M/s. Satish Kumar Sharma
Through None for the Appellant

Appellant

Vs.

APFC, Gurugram (W)
Through None for the Respondent

Respondent

ORDER DATED :- 10/05/2022

List the matter again on 19.07.2022 for completion of pleadings.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.**

Appeal No. D-2/11/2020

M/s. Sweta Estates Pvt. Ltd.
Through Sh. Neetu Mishra Ld Counsel for the Appellant

Appellant

Vs.

APFC, Regional Office Gurgaon
Through None for the Respondent

Respondent

ORDER DATED :- 10/05/2022

As no time left. List the matter on 14.09.2022.

Presiding Officer