

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1**

MUMBAI

Present  
Smt.Pranita Mohanty

M/s. Navi Mumbai Municipal Corporation ... Appellant  
Vs

Assistant Provident Fund Commissioner ... Respondent  
Vashi

**Presence:**

For the Appellant : Mr.B.K.Ashok, Adv.

For the Respondent : Mrs.Kashimira Sawant, Adv.

**ORDER**

The matter came up yesterday for hearing after preponement of the date. Notice of pre-ponement has been duly served on the respondent. But none appeared on behalf of the Respondent.

Heard the learned counsel for the appellant. Perusal of the record shows that the appeal was filed beyond the period of limitation prescribed under the Act. Objection in this regard

was invited from the Respondent and the written objection of the Respondent has been placed on record.

On hearing the submission made on behalf of the appellant and on perusal of the record it is found that the impugned order u/s 7A was passed on 12/09/2019 and the appeal was filed on 08/01/2020 i.e after expiry of the prescribed period of 60 days. Thus the Registry has objected about the limitation for filing the appeal.

In the application filed by the appellant it has been explained that the appellant is a Govt organization and on receipt of the impugned order, the matter was placed before different authorities for obtaining permission to file appeal which caused delay. There was no negligence or intention behind the same. If the would not be condoned for admission of the appeal, serious prejudice shall be caused. The learned counsel for the appellant also submitted that the appeal has been filed within 120 days since the date of communication of the order and the Tribunal has power to extend the period of limitation up to 120 days in appropriate cases.

On further perusal of the record it is revealed that at the time of filing of the appeal the appellant has already deposited 75%

of the assessed amount. Considering the diligence of the appellant and the convincing grounds taken for explaining the delay, the said delay is condoned. Appeal is admitted. Since 75% of the assessed amount has already been deposited, the Respondent is directed not to take any recovery action in respect of the balance assessed amount till disposal of the appeal. Call the matter on 05/12/2022 for filing of reply by the Respondent.

PRESIDING OFFICER

CGIT-1 MUMBAI