

**ORDER SHEET**  
**CENTRAL GOVT.INDUSTRIAL TRIBUNAL CUM LABOUR COURT,**  
**JABALPUR(MP)**

**CASE NO. CGIT/LC/EPFA/misc/01/2021**  
**M/s Kamthean Securities Services Vs. RPFC Indore**

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
16-3-2021	<p>Taken up.</p> <p>Shri Amit Khatri, Counsel for applicant/appellant and Shri J.K.Pillai, learned Counsel for the OP-Respondent.</p> <p>Perused the report of the Registry. Register.</p> <p>At the request and with the consent of the parties, the application was heard on merits.</p> <p>EPF Appeal N0.91/2019, pending before this Tribunal was dismissed due to absence of appellant. The application has been filed to restore the said appeal , setting aside the order of dismissal dated 18-2-2021.</p> <p>The grounds taken is that due to pandemic the appellant</p>	

was under the impression that probably the Tribunal will not function on the date fixed and therefore, there shall be no hearing of the case on the date fixed. It is submitted that restoration is within limitation of 30 days, hence it is in the interest of justice to register the said appeal.

Learned Counsel for respondent has vehemently opposed the application, with an argument that it is a delaying tact and there is no ground sufficient for restoration. Learned counsel for applicant submits that the amount has already been recovered.

Suits and appeals should be decided on merits as far as possible. The restoration application is within limitation. The ground appears to be genuine, hence in the interest of justice the restoration application deserves to be allowed.

Accordingly, setting aside the order dated 18-2-2021 dismissing the appeal No.19/2019, the said appeal is restored on its original Number, but subject to payment of cost of Rs.5000/- by applicant to Respondent within 15 days from today.

After payment of cost within time and filing of receipt by applicant, the said appeal be restored to its original number and be listed for hearing/arguments on 21-4-2021.

**PRESIDING OFFICER**