

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-2, MUMBAI**

**APPEAL NO. CGIT- 2 / EPFA /08 /2022**

**Between:**

M/s. Pratham Design Innovation Pvt. Ltd - Appellant

V/s.

Regional Provident Fund Commissioner-II,

EPFO, Pune. - Respondent

**ORDER**

**(Delivered on 05-08-2024)**

Read application for condonation of delay in filing the appeal. Perused the exhaustive reply ~~in an~~ affidavit filed by the opponent.

Heard both the Parties at length.

It is contended on behalf of the applicant that, after passing the order under appeal, the application for review was preferred, however the same was rejected. Thereafter during second wave of Pandemic Covid-19 Lockdown was imposed on 22.03.2020 and thereafter the Supreme Court time to time granted relaxation in respect of limitation of filing appeal vide order dated 27.04.2021 and 23.09.2021 extended limitation was in force as such the present appeal is well within the limitation.

It is contended on behalf of the opponent that, there was a long delay in filing an appeal, day to day delay has not

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been explained. No cogent reasons are given for approaching the Court after lapse of 92 days and ultimately prayed for rejection of the application.

Undisputedly the applicant has challenged the legality of order dated 13.07.2001, passed u/s. 17-A of the Employees' Provident Funds and Miscellaneous Provisions Act 1952, in an appeal filed on 10.01.2022 i.e., after about 6 months.

I have carefully gone through the decision of the Apex Court of the land passed in Miscellaneous Application No. 665 of 2021 in Suo-Moto WP No. 03/2020 dated 23.09.2001 and 10.01.2022 in which initially the period from 15.03.2020 till 02.10.2021 shall excluded in competing the period of limitation and subsequently by another order dated 10.01.2022 it was clarified that, the period from 15.03.2020 till 28.02.2022 shall also ~~extend~~ excluded in competing the period of limitation.

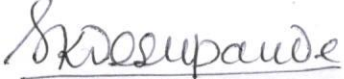
In the present matter, the appeal has been filed on 10.01.2022, it means during the period from 15.03.2020 to 28.02.2022 i.e., extended period of limitation, therefore in the light of the decision of the Apex Court of the land, as the period of limitation is extended, the present appeal is certainly within limitation <sup>and</sup> ~~or~~ the applicant is entitled for condonation of delay in filing the appeal.

In the result, I proceed to pass the following order:

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The application for condonation of delay is allowed. The delay in filing the appeal is condoned. The Matter to proceed further.

Date: 05-08-2024

  
(Shrikant K. Deshpande)  
Presiding Officer  
CGIT -2, Mumbai