

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

CGIT-2/EPFA-128 of 2023

M/s. Ranivan Exports Pvt. Ltd.

-Appellant

V/S.

The Assistant Provident Fund Commissioner, EPFO,

Pune


-Respondent

ORDER

(Delivered on 23-07-2024)

This is an application for condonation of delay in filing an appeal.

According to the appellant / applicant, the order dated 21.05.2023 has been challenged in present appeal, which is filed on 04.12.2023. The order under appeal has been received on 12.09.2023 alongwith the letter from the opponent. He was unaware about the procedure as well as the issue involved in the matter and finally approached to the advocate for filing the appeal, there is delay of about 23 days in filing the present appeal therefore requested for condonation of delay in filing the appeal.

 The opponent resisted the application by reply Ex-8. The opponent contended that, the appeal should have been filed within 60 days from the date of passing of an order however there is

delay in filing the appeal. The applicant slept over his rights and trying to mislead the court and ultimately prayed for rejection of the application.

It has come on record and not much disputed that, the applicant received the copy of order dated 21.05.2023 on 12.09.2023 and the present appeal has been filed on 04.12.2023 i.e., near about 83 days after the date of passing of an order. True it is that, prescribed limitation for filing an appeal is 60 days therefore the delay seems to be about 23 days in filing an appeal.

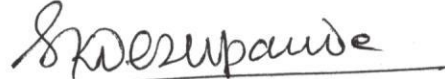
It reveals that, the applicant company is situated in rural area and it is pointed out by the Counsel for the applicant that, after receipt of the order on 12.09.2023, the applicant was not aware about the procedure and finally approach to the firm and filed an appeal.

It is clear that, the applicant was prevented by just and sufficient cause from filing the appeal within prescribed period of limitation, the delay in filing the appeal certainly seems to be bonafide and considering the delay of 23 days. It will not be proper to disallow the applicant from pursuing the appeal and it will be too technical therefore the applicant is entitled for condonation of delay in filing the appeal.

SKW

In the result, the application is allowed. The delay in filing the appeal is condoned.

Date: 23-07-2024


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