

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

APPEAL NO. CGIT- 2 / EPFA /18 /2023

Between:

M/s. Modern Cafe.

- Appellant

V/s.

The Assistant Provident Fund Commissioner,

EPFO, Pune.

- Respondent

ORDER

(Delivered on 19-08-2024)

Read application for condonation of delay in filing the appeal. Perused the say given by the opponent.

Heard both the Parties.

M/s. Modern Cafe/ appellant-applicant has challenged the legality of the order dated 21.10.2022 passed u/s. 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 by the opponent Authority and the appeal has been filed on 09.01.2023.

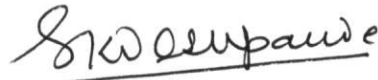
According to the applicant, he received the copy of order under appeal dated 21.10.2022 on 31.10.2022. Thereafter he could not catch hold of the matter as he was not knowing further recourse therefore there is a delay of 79 days in filing the appeal. The delay is not deliberate, intentional and not prejudicial to the opponent.



Needless to say that, as per the Employees' Provident Funds and Miscellaneous Provisions Act 1952, the appeal has to be filed within the 60 days from the date of passing of order and further delay of 60 days can be condoned on sufficient ground. To my mind, considering the date of receipt of copy of order under appeal i.e., 31.10.2022 there is a delay of about 79 days in filing the appeal and the delay of 19 days i.e., after a period of 60 days the applicant is certainly entitled for the condonation of 19 days delay in filing the appeal. If the delay is condoned, it will not be prejudicial to the opponent as such the applicant is entitled for condonation of delay in filing the appeal.

In the result, The application for condonation of delay is allowed. The delay in filing the appeal is condoned. The case to proceed further.

Date: 19-08-2024


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