

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-2, MUMBAI

CGIT-2/EPFA-25 of 2022

M/s Vaibhav Services

-Appellant

V/S.

The Regional Provident Fund Commissioner, EPFO,

Nashik

-Respondent

ORDER

(Delivered on 11-06-2024)

M/s Vaibhav Services / applicant has challenged the legality of order dated 24-11-2021 passed by the opponent authority u/s. 14-B and 7-Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short, "the said Act").

The applicant has filed the present application for condonation of delay in filing the appeal.

According to the applicant, the order dated 24-11-2021 has been challenged in appeal which was filed on 11-03-2022. There is delay in filing the appeal, however the delay has been occurred due to situation of Covid Pandemic. He put his reliance on the decision of the Apex Court of the land in **MISCELLANEOUS APPLICATION NO. 21 OF 22 IN No. 21 of 2022 IN MISCELLANEOUS APPLICATION NO. 665 of 2021 IN SUO MOTO WRIT PETITION (C) NO. 3 OF 2020** and therefore requested to condone the delay in filing the appeal.

The Counsel for the opponent objected the condonation of delay in filing the appeal.

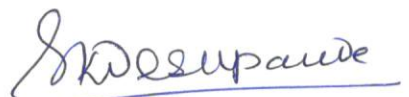
Admittedly, the order dated 26-11-2021 has been challenged in appeal which was filed on 11-03-2022. In view of the order dated 10-01-2022 passed by the Supreme Court relied by the applicant the period from 15-03-2020 to 28-02-2022 has been excluded for the purpose of limitation as may be prescribed under the general or special Law in respect of all Judicial or Quasi Judicial proceeding. Over and above this limitation period of 90 days from 01-03-2022 has also been granted in cases, where the limitation would have expired during the period between 15-03-2020 till 28-02-2022. The order under challenge has been passed on 26-11-2021 i.e., during the period in which exemption has been granted regarding limitation by the Apex Court as such the present appeal seems to be filed immediately after that exempted period.

Not only this but, the reason mentioned for delay seems to be genuine and bonafide therefore the applicant is certainly entitled for condonation of delay in filing the appeal.

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

- i. The delay in filing the appeal is condoned.
- ii. No order as to cost.

Date: 11-06-2024



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