

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL/EMPLOYEES PROVIDENT
FUND APPELLATE TRIBUNAL, JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
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Case No. CGIT/EPFA/44/2025

M/s Shri Sai Baba Associates V/S RPFC, Raipur

18.11.2025	<p>Matter taken up.</p> <p>Learned Counsel for Appellant Establishment Mr. Rajendra Chandra and Mr. Jubin Prasad, Learned Counsel for Respondent Authority are present.</p> <p>Learned Counsel for Appellant Establishment has pressed his Application seeking condonation of delay in filing the present appeal.</p> <p>Learned Counsel for Respondent Authority has orally opposed this Application, his Vakalatnama today has been taken on record. I have heard both the sides and have gone through the record.</p> <p>As it comes out from the report of Registry and perusal of record that the order under appeal was passed on 03.09.2022 whereas the appeal was filed before this Tribunal on 02.09.2025. Learned Counsel for Respondent Authority has referred to <u>Rule 7(2) of The Employees Provident Funds Appellate Tribunal (Procedure) Rules, 1997</u> (in short the Rules) which provides that any person aggrieved by an order or notification may prefer appeal within 60 days from the date of issue of notification/order provided that this period of 60 days may be extended up to another 60 days, if the</p>	
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	<p>Tribunal is satisfied that the Appellant was prevented by sufficient cause from preferring the appeal within the period prescribed.</p> <p>The Rule is being reproduced as follows:-</p> <p><i>“(2) Any person aggrieved by a notification issued by the Central Government or an order passed by the Central Government or any other authority under the Act, may within 60 days from the date of issue of the notification/order, prefer an appeal to the Tribunal.</i></p> <p><i>Provided that the Tribunal may if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of 60 days.”</i></p> <p>Learned Counsel for the Appellant Establishment submits that they had preferred a W.P. No. 13/2025 before Hon’ble High Court of Chhattisgarh at Bilaspur. Vide order dated 13.02.2025, they were permitted to withdraw the writ with liberty to file appeal before this Tribunal. Also submits that, before the said writ, another writ W.P.(L) No. 38/2024 was filed by the Appellant Establishment before Hon’ble High Court of Chhattisgarh at Bilaspur. Hon’ble High Court had permitted to withdraw the said appeal with liberty to file petition before appropriate authority.</p> <p>Learned Counsel for the Appellant Establishment</p>	

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	<p>further submits that the period spent in agitating against the impugned order before Hon'ble High Court should be condoned under <i>section 5 of the Limitation Act 1961</i> and their appeal should be registered for hearing after condoning the delay.</p> <p>Learned Counsel has also submitted that it is the settled proposition of law that disputes be decided on merits and not on technicalities. The Appellant Establishment has successfully made out a case for condonation of delay and delay should be condoned.</p> <p>On the other hand, it has been submitted by Learned Counsel for Respondent Authority that since the Act and the Rules provides specific provision with respect to limitation, the general principles in the <i>Limitation Act</i> will not apply in the case in hand because of the settled proposition of law that special law shall exclude general law. Learned Counsel has further submitted that the Appellant Establishment has been thoroughly negligent in filing the said appeal.</p> <p>Learned Counsel for Respondent Authority has referred to a judgment of Hon'ble High Court of M.P. at Jabalpur in W.P. No. 5799/2024, in which it was held that when there is special law regarding limitation, that shall prevail over general law, this</p>	

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	<p>view has been upheld in an appeal by Division Bench judgment of Hon’ble High Court of M.P. at Jabalpur dated 28.05.2024 in W.A. No. 1089/2024 Money Makers Research v/s RPFC, Indore.</p> <p>On perusal of record in light of rival arguments, the point is established that the limitation period provided under the Rules shall prevail in the case in hand over the <i>Limitation Act</i>. Record itself, shows that the Appellant Establishment has been negligent in persuading remedy, the order of Hon’ble High Court relied upon by the Appellant Establishment was passed on 13.02.2025. Appellant Establishment applied for copy of the said order on 04.04.2025 and got a copy on 04.04.2025 itself, as it is established from record, even after 04.04.2025 appeal was filed on 02.09.2025 i.e., after lapse of 5 months period for which there is no justification, whatsoever.</p> <p>Hence, holding the application for condonation of delay in filing the present appeal without merits, the application is dismissed. Consequently, the appeal also stands dismissed as barred by limitation.</p> <p>Upload this order.</p> <p>Presiding Officer</p>	