

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

CGIT-2/EPFA-45 of 2022

M/s. DNV GL AS.

-Appellant

V/S.

The Assistant Provident Fund Commissioner,

EPFO, Bandra Mumbai

-Respondent

ORDER

(Delivered on 09-07-2024)

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

It reveals that, M/s. DNV GL AS. / appellant-applicant has challenged the legality of order dated 27-12-2021 passed by the opponent authority U/S. 14-B and 7-Q of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, in an appeal filed on 27-05-2022.

It is contended on behalf of the applicant that in view of the decision of the Apex Court **IN MISCELLANEOUS APPLICATION NO. 21 of 2022 IN MISCELLANEOUS APPLICATION NO. 665 of 2021 IN SUO MOTO WRIT PETITION (C) NO. 3 OF 2020** the period of Covid i.e., from 15-03-2020 to 28-02-2022 has been excluded for

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the purpose of limitation. The applicant has good case on merit thus prayed for condonation of delay in filing the appeal.

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

Admittedly, the order dated 27-12-2021 has been challenged in an appeal, which was filed on 27-05-2022. In view of the order dated 10-01-2022 passed by the Supreme Court, 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 proceedings. The 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 to 28-02-2022. The order under challenge has been passed on 06-07-2021 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.



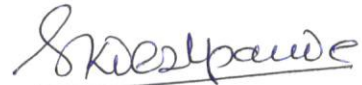
True it is that even after the exemption period i.e., 28-02-2022, the present appeal has been filed

on 27-05-2022 i.e., after above 90 days however considering the reason mentioned in the application, the applicant has made out sufficient ground for not filing the complaint within 60 days immediately after 28-02-2022 but certainly filed within 120 days as such in my opinion, the applicant is entitled for condonation of delay in filing the appeal.

In view of this, the applicant is entitled for condonation of delay in filing the appeal.

In the result, the application for condonation of delay is allowed and the appeal is admitted.

Date: 09-07-2024



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