

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

CGIT-2/EPFA-48 of 2021

M/s Bhima Education Trust

-Appellant

V/S.

The Regional Provident Fund Commissioner,

EPFO, Pune.

-Respondent

**ORDER**

(Delivered on 03-09-2024)

M/s Bhima Education Trust/applicant has challenged the legality of order dated 10-01-2020 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 10-01-2020 has been challenged in appeal which was filed on 04-10-2021. 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 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 by filing appeal.

Admittedly, the order dated 10-01-2020 has been challenged in appeal which was filed on 04-10-2021. In view of the order dated 23-03-2020 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 15.03.2020 till 28.02.2022. The order under challenge has been passed on 10-01-2020 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 costs.

Date: 03-09-2024

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