

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

**APPEAL NO. CGIT- 2 / EPFA /59 /2022**

Shri Sant Shiromani Maruti Maharaj Sahakari

Sakhar Karkhana Ltd.

- Appellant

V/s.

1. The Regional Provident Fund Commissioner,

EPFO, Solapur.

- Respondent

**ORDER**

**(Delivered on 27-08-2024)**

Read application. Perused the say given on behalf of the opponent.

Heard both the Parties.

It reveals that, the appellant-applicant has challenged the legality of the order dated 29.12.2021 passed u/s. 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for-short, "the said Act") by the respondent-opponent, in an appeal filed on 05.07.2022, therefore the present appeal is not within 60 days and there is delay in filing the appeal.

According to the appellant-applicant, the order dated 29.12.2021 under appeal was communicated on 08.02.2022. Thereafter he preferred Review application to the authority on 22.03.2022, the same was rejected vide order dated 22.04.2022. That order was communicated



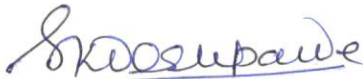
on 26.04.2022 and thereafter the present appeal has been filed on 05.07.2022. These facts are corroborated with the copies of documents available on record and not much disputed by the opponent.

It is clear from the above discussed admitted facts that, after rejection of Review application vide order dated 22.04.2022, which was communicated on 26.04.2022 and considering the date of filing appeal i.e., 05.07.2022 there is a delay of 69 days in filing the appeal.

Needless to say that, as per the said Act, the appeal has to be filed within 60 days and on sufficient ground the Court can condone the delay of further 06 days. In the case in hand it seems that, the delay was occurred due to filing of Review application before the Authority. It means the applicant availed the alternate remedy of Review after passing the order and only after rejection of Review application the appeal has been filed as such there is a delay of 09 days in filing appeal therefore considering the negligible delay of 09 days the applicant is certainly entitled for its condonation.

In the result, The application is allowed. The delay in filing the appeal is condoned. The matter to proceed further.

Date: 27-08-2024

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