

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

**APPEAL NO. CGIT- 2 / EPFA /75 /2024**

M/s. Vilas Sahakari Sakhar

Karkhana Ltd.

- Appellant

V/s.

The Regional Provident Fund Commissioner-II,

EPFO, Solapur.

- Respondent

**ORDER**

**(Delivered on 19-08-2024)**

Read application for condonation of delay in filing the appeal. Perused the say given on behalf of the opponent.

Heard both the Parties.

M/s. Vilas Sahakari Sakhar Karkhana Ltd. / appellant-applicant has challenged the legality of the order dated 12.03.2024 passed u/s. 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 by the opponent Authority, in an appeal filed on 30.05.2024.

According to the applicant, though the order is dated 12.03.2024 however the same was dispatched by the opponent on 03.05.2024, he received the copy of order on 09.05.2024 and thereafter he filed an appeal on 30.05.2024. It further submitted that, considering the date of receipt of order i.e., 09.05.2024, there is no delay in filing



the appeal however if we consider the date of order i.e., 12.03.2024, then there is a delay of 18 days in filing the appeal.

Needless to say that, as per the Employees' Provident Funds and Miscellaneous Provisions Act 1952, the appeal has to be filed within the 60 days from the date of passing of order and further delay of 60 days can be condoned on sufficient ground. To my mind, considering the date of receipt of copy of order under appeal i.e., 12.03.2024, there is a delay of about 78 days in filing the appeal and the delay of 18 days i.e., after a period of 60 days, the applicant is certainly entitled for the condonation of 18 days delay in filing the appeal. If the delay is condoned, it will not be prejudicial to the opponent as such the applicant is entitled for condonation of delay in filing the appeal.

In the result, The application for condonation of delay is allowed. The delay in filing the appeal is condoned. The case to proceed further.

Date: 19-08-2024

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