

ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

CASE NO. CGIT/LC/EPFA/Misc/2/2022

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
13/1/2022	<p>Matter taken up through video conferencing.</p> <p>Shri Sudeep Chaterjee , learned counsel for the Applicant/appellant. Shri J.K.Pillai, learned counsel for the respondent.</p> <p>Learned Counsel for Applicant/Appellant pressed his application for restoration. The Appeal No.EPFA-3/2017 was dismissed on 13-10-2021 due to non-presence of Appellant at the time of hearing. Restoration has been field on 5-1-2022, hence is barred by limitation. Learned Counsel for the application/appellant has submitted that the order of dismissal was received on 21-10-2021 , thereafter time was consumed in preparation of the restoration and other formalities due to prevailing Covid-19 cases. He has relied on order of Hon'ble the Apex Court dated 10-1-2022 in case of Sou Motu Writ Petiion(C) No.3 of 2020 R.E in cognizance of extension of limitation: Para 5 of the Judgement is reproduced as follows:-</p> <p style="text-align: center;">“Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A.No.21/2022 with the following directions:-</p> <p>1.The order dated 23-3-2020 is restored and in continuation of the subsequent orders dated 8-3-2021, 27-4-2021 and 23-9-2021, it is directed that the period from 15-3-2020 till 28-2-2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.</p> <p>2.Consequently, the balance period of limitation remaining as on 3-10-2021 , if any, shall become available with effect from 1-3-2022.</p>	

Rec

3. In cases where the limitation would have expired during the period between 15-3-2020 till 28-2-2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 1-3-2022. IN the event the actual balance period of limitation remaining, with effect from 1-3-2022 is greater than 90 days, that longer period shall apply.

4. It is further clarified that the period from 15-3-2020 till 28-2-2022 shall also stand excluded in computing the period prescribed under Section 23(4) and 29(A) of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the Court or Tribunal can condone delay) and termination of proceedings.

IN the light of the above directions of Hon'ble the Apex Court, the appeal may be restored but on cost to compensate the inconvenience caused to the respondent.

Accordingly, allowing the restoration application, the order of dismissal of appeal passed in the Appeal No.3/2017 on 13-10-2021 is set aside on the condition of payment of cost of Rs.10,000/- (Rupees ten thousand only) to the Respondent within 30 days from today and filing a compliance report in time with the Registry, failing which this order shall stand vacated/recalled and restoration application shall stand dismissed.

Put up after 30 days.

17-2-22



PRESIDING OFFICER