

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-2,
MUMBAI

CGIT-2/EPFA/ Q.No.37 of 2021

**M/s. Orchid International School
(Kalyani Charitable Trust),**

-Appellant

V/S.

**The Regional Provident Fund Commissioner-II, EPFO,
Nasik**

-Respondent

ORDER

(Delivered on 16-07-2024)

M/s. Orchid International School / applicant has challenged the legality of order dated 19/08/2020 passed by the opponent authority u/s. 7-A of the Employees Provident Fund and Miscellaneous Provisions Act 1952 (for short 'the said Act').

The applicant has filed the present application for condonation of delay.

According to the applicant, the order dated 19/08/2020 has been challenged in appeal, which is filed on 23/08/2021. There is delay in filling the Appeal, however 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 Misc Application No. 21 of 22 in Misc Application No. 665 of 2021 IN SUO MOTO WRIT PETITATION (C) No 3 of 2020.

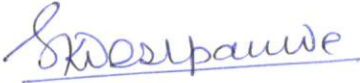
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The counsel for the opponent objected the condonation of delay in filling the Appeal.

Admittedly the order dated 19/08/2020 has been challenged in Appeal which is filed on 23/08/2021. In view of the order of 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 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 between the 15.03.2020 till 28.02.2022. In the case in hand, the order under challenge has been passed on 23.08.2021 i.e. during the period in which exemption has been granted regarding limitation by the apex court as such the applicant is entitled for condonation of delay.

In the result, the application is allowed delay in filling the appeal is condoned. The appeal be registered.

Date: 16-07-2024


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