

ORDER SHEET

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

CASE NO. CGIT/LC/EPFA/21/2022

M/S Standard Auto Agency, Jabalpur V/S APFC, Jabalpur

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
09-05-2022	<p>Matter taken up.</p> <p>Shri Uttam Maheshwari, Learned Counsel for the Appellant. Shri J.K.Pillai, Learned Counsel for the Respondent. Perused the report of the Registry.</p> <p>The present appeal has filed against the composite orders of the Respondent Authority passed under section 14-B and 7Q of the Employees Provident Fund and Misc. Provisions Act 1952, herein after referred to the word "Act". The impugned order was passed on 28.01.2022, whereas the appeal has been filed on 21.04.2022 hence beyond limitation, condonation for delay prayed. Delay condoned in the light of order of Hon'ble the Apex Court dated 10-1-2022 in case of Sou Motu Writ Petition(C) No.3 of 2020 R.E in cognizance of extension of limitation: Para 5 of the Judgement is reproduced as follows:</p> <p>"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> <ol style="list-style-type: none">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.2.Consequently, the balance period of limitation remaining as on 3-10-2021, if any, shall become available with effect from 1-3-2022.3.In cases where the limitation would have expired during the period between 15-3-2020 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. <p>In the light of Order of Hon'ble Apex Court, Appeal is admitted for hearing condoning delay.</p> <p>The learned counsel for appellant presses I.A. Respondents filed reply to I.A's, taken on record.</p> <p>Heard both the sides and perused the record.</p>	

File

After having perused the records in the light of rival arguments, I am of the view that the interest of justice will be served after the appellant is required to deposit 40% of the amount under appeal within 30 days from today in the form of Demand Draft in favour of **Respondent**. In case of compliance of this condition, there will be stay on recovery of amount under Appeal.

Respondent to file Counter within 04 weeks from today, after serving a copy to the learned counsel of the Appellant. Rejoinder if any, within 02 weeks thereafter.

List the case for arguments on 09-06-2022.



PRESIDING OFFICER