

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE  
AVENUE, DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**ATA No. 1029(4)2014**

M/s. FCML Distributors Pvt. Ltd.

Appellant

VS.

APFC, Delhi (S)

Respondent

**ORDER DATED :-10/02/2022**

Present:- None for the appellant,  
Ms. Anandita Pujari, Ld. Counsel for the Respondent.

This order deals with the application dated 19.2.2020 filed by the appellant praying recall of the order dated 08.01.2020 by which the appeal has been dismissed for non prosecution.

Respondent being noticed filed written objection. Matter was taken up for hearing through VC on 12.1.2022, when the learned counsel for the Respondent participated, but none appeared on behalf of the appellant.

The learned counsel for the respondent pointed to the chronological order sheets of this appeal before its dismissal and after filing of the restoration application as well to submit that the appellant establishment is not at all serious about the proceeding and the present application is nothing but an attempt to keep the litigation alive. She also pointed out that the establishment during the 14B inquiry also remained absent leading to passing of an ex parte order. This submission is evident on record. It is also informed that the entire amount of damage assessed in the order has already been recovered.

Considering the submission and for absence of the appellant to move the application for stay, the same is rejected. Consign the record as per law.

Presiding Officer

**M/S JEAN PAUL CORP OF INDIA  
(ORDER DT 10/2/22 , On Restoration Application)**

present –

None -----for the appellant.

AninditaPujari-----for the Respondent

This order deals with two separate petitions filed by the appellant for restoration of the appeal dismissed for default and for a direction to the Respondent to de attach appellant's bank account pending disposal of the Restoration application.

Notice being served the learned counsel for the respondent appeared and filed a written objection which has been taken on record.

None appeared on behalf of the appellant when the matter was taken up on 12.1.2022, through VC. Learned counsel for the respondent while opposing the Restoration petition, submitted that the appellant has not at all shown diligence towards the proceeding held u/s 7A and the appeal filed against that order which is evident from it's conduct.

On hearing the submission for the respondent and on perusal of the record it is found that challenging the order dt 30.1.15 this appeal was filed and on 7<sup>th</sup> May 2015, an interim order of stay was granted. After that the proceeding suffered several adjournments and after merger EPFAT with CGIT, a fresh notice was issued to the appellant fixing to 15.1.20.though the postal

tracking record showed delivery of the notice to the appellant and a postal tracking record was placed on record by the registry, none appeared on behalf of the appellant on that day and by order dt 15.1.20 this appeal was dismissed for default of the appellant.

On 19.2.2020, the appellant filed this application for restoration of the appeal to it's original no. Copy of the application was served on the Respondent and the matter was fixed to 12.1.2022 for hearing. But none appeared on behalf of the appellant. The learned counsel for the Respondent while opposing the said application submitted that the appellant has not shown diligence in conduct of the proceeding the grounds taken in the petition are far from belief.

On hearing the submission so made and for non appearance of the appellant, both the misc applications referred above are dismissed. Consign the record as per law.