

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO.1MUMBAI

Present : Justice Ravindra Nath Kakkar

M/s. Gokul English Primary School ... Appellant
Vs

Assistant Provident Fund Commissioner ... Respondent
Bandra

Presence:

For the Appellant : Mr.H.L.Chheda, (Authorized Legal Representative)

For the Respondent : Mr. Ravi Rattesar, Adv.

ORDER

1. The present appeal is filed by the appellant under section 7(I) of the EPF & MP Act, 1952 (hereinafter referred to as 'Act') against the order dated 11.02.2020 passed by the Assistant Provident Fund Commissioner, the Respondent under section 14-B of the Act for an assessed amount of Rs.9,68,424/- for the period Oct. 2000 to June 2008. The said order dated 11.02.2020 was received by the Appellant on 19.02.2020.
2. An appeal against the impugned order dated 11.02.2020 was filed on 22.07.2020. Along with this appeal, three Miscellaneous Applications (1) Condonation of delay (2) Application for Waiver of deposit under proviso to Section 7-O and (3) Application for grant of stay has also been filed by the Appellant.



3. The appellant submitted that Hon'ble Supreme Court, on March 23rd 2020, considering the spread of COVID-19 and lockdowns, passed an order with effect from 15th March 2020, in Writ Petition (Civil) No (S) 3/2020 extending the period of limitation prescribed under General or Special laws, whether condonable or not till further order which reads:- *"To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective courts/tribunals across the country including this court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or special laws whether condonable or not shall stand extended w.e.f. March 15, 2020 till further order/s to be passed by this court in present proceedings,"*.

4. The Appellant further stated that, the Hon Apex Court, on 27.04.2021 in the same petition further ordered the extension of the limitation period till further period considering the difficulties faced by litigations due to spread of the COVID-19 in its second wave by observing *"It is further clarified that the period from 14th March, 2021 till further orders shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A 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"*. Accordingly, the present appeal is within the limitation period prescribed as per Rule 7(2) of the Employees' Provident Fund Appellate Tribunal (Procedures) Rules, 1997 and prayed for condonation of delay in filling the appeal memo.



5. Learned counsel for the Respondent opposed the delay condonation application, however did not deny the citations referred by the Appellant.
6. Perused the record and heard the parties.
7. Considering the facts and circumstances of the case, the grounds shown in the delay condonation application is found to be bonafide and genuine and also in view of the ratio laid down by the Hon'ble Supreme Court as mentioned above, the computation of period of limitation in filing this appeal is to be excluded.
8. Accordingly for the reasons stated above, this delay condonation application is to be allowed and is accordingly allowed.
9. Miscellaneous application EPF-17 (C) is disposed of accordingly.



सही प्रतिलिपि
TRUE COPY

Nabaw
Secretary to the Court
Central Government Industrial
Tribunal-cum-Labour Court No. 1
Mumbai

sd/r

JUSTICE RAVINDRA NATH KAKKAR

PRESIDING OFFICER