

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM
LABOUR COURT, DELHI-1**

D-1/51/2025

**M/s Hot & Mix Plants (Establishment under MCD) Vs. APFC
compliance-III, Regional Office Delhi, (North).**

Present: Ms. Simran Singh, learned counsel for the
Appellant.
Sh. B.B. Pradhan, learned counsel & Sh. A.S. Negi,
A/R for the Respondent.

1. The Appellant had filed the present appeal challenging the order dated July 31, 2025 passed by the respondent under section 14B of the EPF & MP Act, 1952 (hereinafter referred as 'the Act') whereby the amount of Rs.3,84,460/- had been assessed as damages payable by the appellant. The office had reported the delay in filing the appeal for which the appellant had filed the application for condonation of delay in filing of the appeal.
2. The respondent has filed a written reply strongly opposing the said application. The respondent has denied the allegations made by the appellant and has prayed that the application for condonation of delay as well as the main appeal of the appellant against the impugned order dated July 31, 2025 should be dismissed.
3. I have heard the Learned counsels for the parties.

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4. Learned counsel for the appellant has argued that a copy of the impugned order dated July 31, 2025 of the respondent was received on 07.08.2025 by post. Learned counsel for the appellant has further argued that the copy of the impugned order was received in a department/section which was not the competent department to deal with or process matters relating to EPF litigation and appeals. Learned counsel for appellant has pleaded that the impugned order came to the notice of the competent department only after 27.08.2025. Learned counsel for the appellant has further pleaded that during the relevant period the office of the appellant was in the process of shifting from Moti Nagar to Rajouri Garden which resulted in unavoidable administrative disruption and delay in internal movement of files. Learned counsel for the appellant has contended that no order under section 7-Q of the Act was communicated to the appellant materially affecting the appellant ability to take and informed decision. Learned counsel for the appellant has stated that the delay in filing the present appeal was not deliberate or intentional. Learned counsel for the appellant has prayed that the delay in filing of the present appeal against the impugned order should be condoned. Reliance in this behalf was placed upon the rulings cited as Improvement Trust, Ludhiana Vs. Ujagar Singh and others (2010) 6 Supreme Court Cases 786, State of Nagaland Vs. Lipok AO and others (2005) 3 Supreme Court Cases 752, N. Balakrishnan Vs. M. Krishnamurthy (1998) 7 Supreme Court Cases 123, Vedabai Alias Vaijyanatabai Baburao Patil Vs. Shantaram Baburao Patil and Others (2001) 9 Supreme Court Cases 106, Collector, Land Acquisition, Anantnag and another Vs. Mst. Katiji and others

(1987) 2 Supreme Court Cases 107 and State of Haryana Vs. Chandra Mani and others (1996) 3 Supreme Court Cases 132 by the learned counsel for the appellant.

5. Learned counsel for the respondent has strongly denied the allegations made by the appellant against the respondent. Learned counsel for the respondent has further argued that Rule 7(2) of the Tribunal (Procedure) Rules, 1997 specifically prescribed the period of limitation of sixty days from the date of issue of the impugned order under the Act. Learned counsel for the respondent has further argued that even this Tribunal has no power to condone the period of delay by a further period of sixty days in filing of the requisite appeal. Learned counsel for the respondent has prayed that the present appeal is hopelessly time-barred and the application for condonation of delay along with the main appeal should be dismissed.

6. It is important to note that the appellant has admitted that the copy of the impugned order of the respondent was received in a department/section of its office on 07.08.2025 by post. The appellant has cited the grounds of delay as the receipt of the copy of the impugned order in competent department/section at a belated stage, the shifting of the office of the appellant from Moti Nagar to Rajouri Garden, non-receipt of any order passed under section 7-Q of the Act, absence of any deliberate or intentional delay on the part of the appellant as the grounds for condonation of delay in filing the appeal. I have carefully considered all the above-said grounds cited by the appellant for

the delay in filing the appeal. When the respondent had never passed any order under section 7-Q of the EPF & MP Act, 1952, the question of communication of the said order to the appellant does not arise. Even the above-said remaining grounds cited by the appellant for a long delay in filing the present appeal are not sufficient to justify the inordinate delay in filing the appeal by the appellant.

7. Rule 7(2) of the Tribunal (Procedure) Rules, 1997 specifically provides the limitation period of sixty days from the date of issue of the impugned order for filing of the requisite appeal under section 7-I of the Act. Even the proviso to Rule 7(2) of the Tribunal (Procedure) Rules, 1997 does not empower this Tribunal to condone the delay by a further period of more than sixty days in filing of the requisite appeal against the impugned order.
8. Admittedly, the present appeal of the appellant was filed on December 23, 2025 after a delay of about six months from the date of impugned order dated July 31, 2025 under section 14B of the Act. Accordingly, the present appeal of the appellant is hopelessly time-barred and cannot be entertained by this Tribunal.
9. Hence, the present appeal of the appellant is hereby dismissed. Record of the case file be consigned to Record Room.

Sd/-

(Ajay Kumar Jain)

Presiding Officer

CGIT-cum-Labour Court, Delhi-1

08.04.2026