

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, No. 1 DELHI**

**M.A for restoration of dismissed appeal no. D-1/24/2024**

**M/s Beni International vs. APFC/RPFC, Delhi East.**

Present:        Ms. Arpita Srivastava, Counsel for the Appellant.  
                     Sh. Narender Kumar, Ld. Counsel for the Respondent.

**ORDER: ORAL**

**Order dated-04.06.2025**

1.        Counsel of the appellant has pressed his application for restoration of the appeal. Applicant had stated that counsel for the appellant had noted the next date in the matter on 21.02.2025, however, when enquired he had not found the matter listed. On being enquired he had come to know that the matter was dismissed for non-prosecution. For this, he had also annexed the case diary where this matter was shown as listed on 21.02.2025.
2.        Ld. Counsel for the respondent has not filed any reply of the said application, rather than he had stated that the plea has been taken just for the sake of it. He further submitted that application has been filed by Sh. Sandeep Dubey and the diary produced herein did not fill up any name of the advocate to whom this diary belongs. He submitted that preparing of the diary cannot be ruled out.
3.        I have heard the argument at bar and perused the record. This appeal has been filed on 16.04.2024 through online, and the physical copy has been received on 22.04.2024. Matter was taken up on 18.07.2024. On that day, respondent counsel sought time, however, on that also nobody was present. Thereafter, for the last six dates, presence of the appellant has not been marked, though, the matter had been adjourned enbloc. Even on 21.01.2025, when the matter was

listed, nobody had appeared and consequent thereto, this appeal was dismissed for want of prosecution.

4. In these circumstances, this application has been filed for restoration of the appeal stating that counsel has wrongly noted the date. How the counsel has come to know about this case, and why not he has appeared for the last six dates, counsel has not explained anything. However, it is always better that the appeal be decided on merit and considering the fact that the restoration application has been filed within time, application for restoration of the appeal stands allowed subject to the cost of Rs. 2,000/- which shall be paid by the appellant to the respondent counsel. Put up for filing of reply to the miscellaneous application filed for condonation of delay as well as to the main appeal on 19.08.2025.

Sd/-

Atul Kumar Garg  
(Presiding Officer)