

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

MA No. D-01/2024

M/s Emirates Shipping Agencies (India) Pvt. Ltd. vs. APFC/RPFC Delhi West

Present: Ms. Shruti Munjal, Ld. Counsel for the Appellant.
Sh. Kaushik Kumar Dey, Ld. Counsel for the Respondent.

Order dated-28.05.2025

1. Counsel for the appellant has pressed his application for condonation of delay. He submits that he was made only aware of the impugned order dated 04.02.2021 once the amounts were recovered by the respondent in August, 2021.
2. He further submitted that thereafter appellant approached the respondent department to guide and process the request for refund of the duplicitous amount recovered in excess.
3. He was further advised to process the written request seeking refund, which came to be dismissed on 11.10.2023 and therefore the appellant also sought to obtain a certify copy of the order dated 04.02.2021 passed by the respondent. It was only on 05.12.2023, copies of the assessment order passed by the respondent were obtained. Therefore, the appeal filed by the appellant is well within the period of limitation. He submitted that delay in filing the appeal is not intentional and deliberate for the reason that he had again and again approached the respondent with the prayer to refund the amount which has been recovered twice. He has referred in this regard the letter dated 11.10.2023 addressed to the appellant by the respondent authority where his review application was dismissed on the ground that the recovery certificate in respect of two final order U/s 14B of the EPF & MP Act, 1952 dated 29.06.2016 and 04.02.2021 had already been issued.
4. Further, he has also drawn the attention towards Annexure AU1 dated 06.08.2021 wherein he had requested to the RPFC, Delhi for refund

of wrong recovery of interest and damages recovered from their banker for the period from June, 2009 to October, 2019. There are other correspondences also in this regard, however, nothing was heard. Finally, he has preferred the appeal.

5. On the other hand, respondent counsel had stated that the appeal is not well within the limitation as it has been filed after three years of delay. Amounts have been recovered in the year 2021 itself and appeal has been filed in January, 2024.
6. I have heard the argument at bar. Before proceeding further, language of Rule 7(2) is required to be produced herein:

Rule 7(2) Fee, time for filing appeal, deposit of amount due on filing appeal.- (1)....

(2) Any person aggrieved by a notification issued by the Central Government or an order passed by the Central Government or any other authority under the Act, may within 60 days from the date of issue of the notification/order prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of 60 days:

Provided further that no appeal by the employer shall be entertained by a Tribunal unless he has [deposited with the Tribunal a Demand Draft payable in the Fund and bearing] 75 per cent of the amount due from him as determined under section 7A:

Provided also that the Tribunal may for reasons to be recorded in writing, waive or reduce the amount to be deposited under section 7-O.

7. From the perusal of the above rule, time prescribed of filing of the appeal is 60 days from the passing of the impugned order. Further, this Tribunal has given vide discretion to extend the period of limitation by another 60 days if the appellant is able to show the sufficient reason.
8. Whole argument of the appellant rest upon the premise that he had made correspondence for revise of the order because the two order passed by the RPFC in regard to Section 14B & 7Q are overlapping and the RPFC has to refund the same. He had also made various correspondences in this regard. Finally, his prayer was rejected in the year 2023 on the premise that the recovery certificate had been issued in both the cases.
9. It is not the case of the appellant that it has been prosecuting the legal remedies under bonafide relief. Appellant is well aware about the filing of the appeal. He has not given any cogent reason by which the period be condoned. Moreover, the period can be condoned only for another 60 days, beyond the 120 days this Tribunal has not been empowered to condone the delay. Appellant had come to know about the order in the year 2021 itself when the recovery have been effected. Therefore, application for condonation of delay stands dismissed. Consequent thereto, appeal also stands dismissed. File is consigned to record room. However, if there is a mistake erupted on the face of record about passing of the impugned order or duplicity of the period, then the authority shall take care of.
10. In these circumstances, respondent is advised to hear the appellant and take appropriate action for refund of the excess amount, if found deposited by the appellant due to the overlapping period in the two orders. For this, appellant is directed to appear before the Ld. RPFC on 15.07.2025 at 12:00 PM. A copy of this order is sent to the RPFC as well as the appellant through mail.

Sd/-

Atul Kumar Garg
(Presiding Officer)