

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

**D-2/08/2024**

**M/s Arabtec Construction (I) Pvt. Ltd. vs. APFC/RPFC, Gurugram.**

Present:           None for the Appellant.  
                  Sh. B.B. Pradhan, Ld. Counsel for the Respondent.

**Order Dated-18.07.2025**

The misc. application filed for condonation of delay stands allowed by way of separate order pronounced today. Put up the matter on 04.09.2025 for filing of reply to the main appeal as well as consideration of the interim prayer requesting stay on execution of the impugned order. In the meanwhile, interim order to continue till next date of hearing.

Atul Kumar Garg  
(Presiding Officer)

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

**Misc. Application for condonation of delay in Appeal no. D-1/08/2024  
M/s Arabtech Construction Vs. APFC/ RPFC, Gurugram.**

Present: Sh. Rajiv Shukla, Ld. Counsel for the Appellant  
Sh. B.B. Pradhan, Ld. Counsel for Respondent.

**Order Dated- 18.07.2025**

This order shall dispose of the application filed by the appellant for condonation of delay in filing the appeal. Appellant had stated that he had come to know about the communication of this order only on 25.10.2023. Since, the matter is related to very old period, he had sought clarification and record of the said period, which took considerable time. He submits that the period of limitation shall be counted from 25.10.2023, however, he was still unable to file the appeal within time. So he wants that this tribunal may exercise the discretion and condone the delay of 59 days in filing of this appeal.

2. Counsel for the respondent took the objection stating that the appeal filed by the appellant is not maintainable because the assessment under Section 14 B and 7 Q of the EPF & MOP Act, 1952 (hereinafter referred as 'the Act') was initiated against **M/s. Siddhi Construction** and accordingly the account statement was also issued. Therefore, order was issued in the name of M/s. Siddhi Construction and for compliance of order he has deposited the dues by way of Demand Draft. The dues recovery from principal employer is not appealable under Section 7 I of 'the Act'. He further narrated the sequence of events where the establishment representative had appeared and attested the dues. He further stated that the final order dated 17.08.2022 was pronounced and the same was informed to

both the parties. Therefore, M/s. Siddhi Construction collected the order by hand but the final order was forwarded by post to the appellant herein on 17.08.2022 and through email dated 22.08.2022. He further submits that even on 02.11.2022, attachment order under Section 8F of 'the Act' was issued against the appellant establishment for attachment of bank account. He also stated that on 09.08.2023, the Recovery officer, Gurugram issued notice of demand to defaulter prior to attachment of movable and immovable properties by way of speed post and through email dated 11.08.2023 and on 31.08.2023 & 22.09.2023, notice to show cause why a warrant of arrest should not be issued was forwarded. Hence, he submitted that the impugned order was very much in knowledge. Rejoinder has also been filed to this application by the appellant wherein the appellant has denied the averments and stated that appeal under Section 14 B of 'the Act' is appealable before this tribunal.

3. Before proceeding further, fact of this case is required to be narrated. Proceedings have been initiated u/s 14B and 7 Q of 'the Act' in respect of **M/s. Siddhi Construction**, however, order was passed against **M/s. Siddhi Construction- Contractor** and **M/s. Arabtech Constructions (I) Pvt. Ltd.** order against Principal employer was passed on the ground as per agreement appellant herein has taken the liability to deposit the PF dues.

Prior to decide the application for condonation of delay provision of Rule 7(2) of the Tribunal (Procedure) Rules, 1997 are required to be reproduced which are as under:-

***7.Fee, time for filing appeal, deposit of amount due on filing appeal.—***

***(1) Every appeal filed with the Registrar shall be accompanied by a fee of Rupees five hundred to be remitted in the form of Crossed Demand Draft on a nationalized bank in favour of the Registrar of the Tribunal and payable at the main branch of that Bank at the station where the seat of the said Tribunal situate.***



**(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 the Tribunal unless he has deposited with the Tribunal a Demand Draft payable in the Fund and bearing 75% of the amount due from him as determined under Section 7-A.**

**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.**

4. The appellant has stated that he has never received the order by speed post or email. He further submits that office of the appellant had been lying closed since February, 2023 due to dispute between the owner of the property and the appellant herein. He was forced to file a suit for permanent injunction before a Civil Court where a restrain order was passed on 22.03.2023. The director of the appellant establishment received a warrant of arrest under section 8 of the Act dated 11.10.2023 at his residence, then only he had come to know about the passing of the impugned orders. It is well settled law that the date of limitation shall be counted from the date of communication of the order. Counsel for the appellant has also placed on record the circular dated 19.01.2021 issued by Addl. CPFC (Hqrs.), EPFO wherein it is categorically mentioned that ***the final orders must be dispatched through speed post with proof of delivery. Additionally, a copy thereof should be sent at the email address submitted in official returns.*** However, in this case respondent has not placed the receipt of the registered post showing that when it was dispatched and to whom it was dispatched. Tracking report has not

been accompanied with any certificate under **Section 65B of the Evidence Act**. As per the last order, respondent department was directed to inform about the rules made by the department for communication of the order but the department has not furnished any rules.

5. Therefore, when the proceeding has not been initiated against the appellant and the order was passed against the appellant, also there are no receipts of the registered post and dispatch register showing when the order was dispatched, application filed for condonation of delay is allowed assuming the contention of the appellant as true that the period of limitation be counted from the date of receipt i.e. 25.10.2023.

6. Considering the circumstances discussed above, further period of delay of 59 days shall stand condoned by exercising the discretionary powers given under the rule to the undersigned.

ATUL KUMAR GARG  
(Presiding Officer)