

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
DELHI; ROOM NO 208, ROUSE AVENUE DISTRICT COURT
COMPLEX, NEW DELHI-110002.**

Appeal No. D-1/03/2020

M/s. AXL Lighting Limited

Appellant

Through:- None for the Appellant

Vs.

RPFC Delhi North

Respondent

Through:- Sh. Judy James, Ld. Counsel for the Respondent

ORDER DATED 19.11.2020

This order deals with the admission of the appeal after condonation of the delay on the grounds stated in the separate petition filed along with the appeal. The matter came up for consideration on 13.2.2020 for hearing and scheduled for the order to be pronounced on the same on 16.4.20, which could not be done on account of lockdown for the outbreak of COVID-19. Hence, ordered today.

It has been stated in the petition that the impugned order was passed on 10.01.2018 u/s 14 B of the Act against the appellant establishment but was never communicated to be received by it. The establishment could know about the same when recovery proceeding was initiated. On insistence, the recovery officer handed over a copy of the order on 21.12.2019 only. Hence the appeal has been filed within the prescribed period of 60 days from the date of knowledge. Unless the appeal be admitted after condonation of delay, serious prejudice shall be caused to the appellant.

The learned counsel appearing for the Respondent seriously challenged the maintainability of the appeal on the ground of limitation.

No document has been placed on record to prove the date of communication of the order on the appellant. The appellant has on the contrary filed an affidavit stating that the copy of the order was received by the appellant on 21.12.2019 only. In absence of any other evidence the tribunal finds no reason for rejecting the stand taken by the appellant on this point of delay. More over a party to litigation should not be punished for the fault committed in the conduct of the case unless the malafides for the same is proved. In this matter I find no reason of rejecting the explanation offered by the appellant, explaining the delay.

Hence, the petition for condonation of delay is allowed and the appeal is admitted. Call on 18.03.2021 for hearing of the petition praying interim stay on the impugned order.

Sd/-
(Presiding Officer)