

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
DELHI-1; ROOM NO 208, ROUSE AVENUE DISTRICT COURT  
COMPLEX, NEW DELHI-110002.**

**Review Application u/s 7L(2) in Appeal No. D-2/02/2018**

M/s. D.S. Enterprises

Appellant

Through;- Sh. V.K. Sharma, Ld. Counsel for the Appellant

Vs.

APFC Gurugram

Respondent

Through:- Sh. Puneet Garg, Ld. Counsel for the Respondent

**ORDER DATED 19.11.2020**

This order deals with an application filed by the appellant invoking the provision of law laid u/s 7L(2) of the EPF &MP Act, for review of the order dated 22.10.2019 passed by this Tribunal disposing the Appeal and confirming the impugned order.

It has been stated in the petition that the Appeal was filed challenging the order passed by the commissioner u/s 14B and 7Q of the EPF & MP Act on the ground of mistakes in the calculation of damage with reference to the calculation attached to the notice for inquiry for damage and the actual dates of remittance as per the SBI challans and the amount credited thereunder. Apart from that, several other grounds were also taken by the appellant challenging the legality of the impugned order. But this Tribunal while passing the final order omitted to consider the said stand taken by the appellant and no clear finding has been given on the said gross difference in calculation. This is a mistake apparent on the face of the record. Unless the same would be rectified in exercise of the power u/ 7L(2) of the Act, the appellant would suffer heavy financial burden and injustice.

Copy of the review petition was served on the Respondent's counsel who argued on the petition without filing any written objection to the petition.

The learned counsel for the appellant submitted drawing the attention of the tribunal to the proceeding and LCR that the commissioner had failed to make a correct calculation of the amount remitted with delay and this Tribunal too omitted to consider the same. He also pointed out as to how the Tribunal omitted to appreciate the ambiguity pointed out by the establishment with regard to the coverage period mentioned in the summon and the final order passed u/s 14B of the Act. Thus, argument was advanced that the errors being apparent on record the tribunal is empowered to rectify the same in the interest of justice.

In his reply the learned counsel for the Respondent submitted the scope of Review u/s 7L(2) is limited to correction of errors only, apparent on the face of the record. But in his petition the appellant/ petitioner has raised many questions touching the merit of the appeal, which can not be entertained. If it is so done, will have the effect of re hearing of the appeal by the tribunal for review of its final order passed, which is not permissible under law. He thereby argued for rejection of the application.

On hearing the submission advanced by the counsel for both the parties and perusal of the provision of sec 7L(2) it appears that the tribunal within a period of 5 years from the date of the order is empowered to rectify any mistake apparent from the record by amending the order passed. But the provision never empowers the Tribunal to rehear the matter on merit when some points are re canvassed after disposal of the appeal. In view of the stand taken by the appellant in the petition with regard to ambiguity in respect of the coverage period or discrepancy in respect of the challans and deposit made thereunder, it is clear that the appellant wants rehearing of the disposed of appeal, which is not permissible under the scope and ambit of law laid u/s 7L(2) of the Act.

The petition for review, filed by the appellant is held devoid of merit and rejected. Consign the record as per law.

Sd/  
(Presiding Officer)