

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

D-1/62/2024

M/s S.P Engineering Products vs. APFC/RPFC Delhi North.

Present: Sh. Rajiv Arora, Ld. Counsel for the Appellant.
Sh. S.N. Mahanta, & Sh. Pradeep Kumar Singh, Ld.
Counsels for the Respondent.

Order Dated-02.05.2025

1. This is an appeal preferred by the appellant challenging the order passed u/s **14B dated 07.06.2024 and 7Q dated 06.06.2024 of the EPF & MP Act, 1952** (hereinafter referred as the Act) issued on 10.06.2024 and 07.06.2024 respectively by the respondent department wherein an amount of Rs.2,13,595/- has been assessed as damages and Rs.1,64,577/- as interest for belated payment of EPF dues for the period 01/2015 to 05/2018. The appellant has also enclosed the copy of communication dated 13.06.2024 showing him the delivery of the impugned orders through email.
2. The present appeal is filed in this tribunal on 08.10.2024 which is beyond the period of limitation as prescribed under the **Tribunal (Procedure) Rules, 1997**, however, the same is within the extended period of limitation which can be condoned by this tribunal examining the grounds which prevented the appellant from filing of the appeal within time limit prescribed.
3. Ld. counsel for the appellant has filed a separate application seeking condonation of delay in filing of the appeal stating that the appeal could not be filed within the first 60 days from the receipt of the order i.e. on 13.06.2024 as the appellant herein who is a widow and living with one of her daughters in Chandigarh after the loss of her husband due to cancer. Hence, she was out of station in the month of July and August 2024. The appellant came back to Delhi only in the first week of September and discussed the case with her counsel and the first draft of the appeal was prepared in second week of September 2024, however, due to a medical emergency and

subsequently two bereavements in the family of the appellant counsel in third week of September, the draft could not be finalized until fourth week of September, 2024. Submitting the above averments, it is prayed on behalf of the appellant that the delay in filing of the appeal has been unintentional and due to the factors/circumstances beyond the control of the appellant.

4. Ld. Counsel for the respondent has filed reply to the misc. application filed for condonation of delay wherein it is stated that the appellant should have explained day to day reason for delay in filing the appeal as condonation of delay should not be treated as a matter of right. It is further stated in the said reply that appellant herein has failed to explain such day to day reason for delay. Respondent further stated that the period of limitation is to be counted from the date of issue of the order and not from the date of receipt of the order as per the provisions of Rule 7(2) of the **Tribunal (Procedure) Rules, 1997**.

5. I have heard the arguments at par and gone through the record. Before proceeding further, the provision of Rule 7(2) of the Tribunal (Procedure) Rules, 1997 are quote hereunder for ready reference: -

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.

6. Considering the factual submissions on behalf of the appellant and the objections raised by the respondent, this tribunal is of the considered opinion that it is always the best recourse to decide the case on merits rather than to dispose it on technical grounds. Office report reveals that although this appeal is not filed within 1st period of limitation of 60 days, however, it has been filed in the extended period of limitation of another 60 days which this tribunal is empowered to condone considering the facts and circumstances of the case. Therefore, the application filed by the appellant for condonation of delay is allowed exercising the discretion of this tribunal.

7. Ld. counsel for the respondent has also filed reply to another misc. application filed for seeking stay as well as to the main appeal. Copy of the same stands supplied to Id. counsel for the appellant. Put up on 02.07.2025 for consideration of the misc. application filed for seeking stay. In the meanwhile, interim orders to continue till next date of hearing.

Sd/-

Atul Kumar Garg
(Presiding Officer)