

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM
LABOUR COURT, DELHI-1**

D-1/44/2023

M/s Sumitra International vs. APFC, Delhi & Another.

Present Sh. Sanjay Kumar, Ld. Counsel for the
Applicant/Appellant.
Ms. Swati Surhatia, Ld. Counsel for the
Respondent.

1. The applicant/ appellant has filed the present application seeking restoration of his appeal filed under section 7-I of the Employees Provident Fund and Miscellaneous Provision Act, 1952 (hereinafter referred to as the EPF Act) which was dismissed by this Tribunal on 25.11.2025 on the ground of non- compliance of the order of this tribunal.
2. The respondent has strongly contested the above-said application for restoration of the above-said appeal by filing a written reply. The respondent has prayed that the above-said application of the applicant/ appellant should be dismissed.
3. I have heard learned counsels for the parties.
4. Learned counsel for the applicant/ appellant has argued that since the applicant was facing a severe financial distress due to the complete closure of its business, the applicant could not deposit the demand draft of Rs.6,00,000/- as directed by the Tribunal. Learned counsel for the applicant has further argued that the applicant had offered to deposit the demand draft of Rs.3,02,000/- but the

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Tribunal had returned the same to the applicant for full compliance of the order of the Tribunal for depositing the demand draft of Rs.6,00,000/- only. Learned counsel for the applicant has further pleaded that the applicant could not deposit the required demand draft of Rs.6,00,000/- on 25.11.2025 because it was declared a holiday by the Hon'ble High Court of Delhi and its subordinate courts. Learned counsel for the applicant has further pleaded that the absence of the applicant or his counsel on 25.11.2025 was not intentional but due to the impression that this tribunal was closed on that date. Learned counsel for the applicant has contended that the appeal of the applicant was dismissed on 25.11.2025 by the Tribunal on the ground of non-compliance of the directions of the Tribunal. Learned counsel for the applicant has stated that now he is offering to deposit the demand draft of Rs.6,00,000/- as directed by the Tribunal. Learned counsel for the applicant has prayed that the impugned order dated 25.11.2025 of the tribunal dismissing its appeal should be set-aside and the original appeal should be restored to its original number after accepting the demand draft of Rs.6,00,000/- being offered/ deposited by the applicant.

5. Learned counsel for the respondent has strongly contested the above-said arguments advanced on behalf of the applicant. Learned counsel for the respondent has argued that the applicant had intestinally violated the specific orders of the tribunal directing the deposit of the demand draft of Rs.6,00,000/- as pre-condition for the institution of the appeal under section 7-O of the EPF Act. Learned counsel for the respondent has further argued that the Tribunal had rightly dismissed the appeal of the appellant due to

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non-compliance of its directions by the appellant within the time allowed by the tribunal. Learned counsel for the respondent has prayed that the application of the applicant for restoration of the appeal should be dismissed.

6. Section 7-O of the EPF Act specifically mandates that no employer shall be permitted to institute his appeal under the EPF Act unless he has deposited 75% of the amount impugned with the Tribunal. However, section 7-O of the EPF Act also grants the discretion to the Tribunal to waive or reduce this pre-deposit for the reasons recorded in writing.
7. Through the present appeal, the applicant/ appellant has challenged the demand of EPF arrears of Rs.15,41,379/-. However, exercising its discretion the tribunal had permitted the appellant to institute the appeal subject to the deposit of the demand draft of Rs.6,00,000/- with the Tribunal within the period of six weeks from the date of order (19.09.2025). However, on 14.11.2025 the applicant had offered to deposit the demand draft of Rs.3,02,000/- only with the Tribunal and sought extension of time for reporting full compliance of the order of the Tribunal. Vide order dated 14.11.2025, the Tribunal had permitted the applicant to deposit the demand draft of Rs.6,00,000/- with the Tribunal up to 25.11.2025. However, the applicant had failed to comply with the above-said orders of the Tribunal up to the stipulated date i.e. 25.11.2025. Consequently, the appeal of the applicant/ appellant was finally dismissed by the Tribunal vide order dated 25.11.2025 on the

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ground of non-compliance of the conditions imposed by this Tribunal as mandated under section 7-O of the EPF Act.

8. Admittedly, the name of the present Tribunal is Central Government Industrial Tribunal- Cum-Labour Court. Accordingly, it is apparent that this Tribunal is bound to strictly follow the calendar of holidays issued by the Central Government. In this background, the argument of the appellant that 25.11.2025 was being observed as a holiday by the Hon'ble High Court of Delhi would not help him in any manner.
9. There is nothing on record to prove that the applicant was really facing any financial distress at the relevant time for compliance of the directions of this Tribunal. Moreover, this tribunal had already granted one extension of time to the applicant for reporting full compliance of its directions up to 25.11.2025. The applicant has grossly misused the leniency shown by the Tribunal to permit him to institute the appeal by depositing the demand draft of the reduced amount of Rs.6,00,000/- only against the impugned demand of Rs.15,41,379/ only. Under these circumstances, this Tribunal had rightly dismissed the appeal of the applicant/ appellant on the ground of non-compliance of its directions as mandated by section 7-O of the EPF Act.
10. In this premises, there is no justification for recalling the impugned order dated 25.11.2025 of the Tribunal and restoring the appeal as prayed for.
11. Hence, the present application for applicant/ appellant is hereby dismissed.

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12. Any demand draft/ FDR annexed by the applicant along with application be returned in original to the applicant/ appellant immediately after obtaining due receipt.
13. Case file be consigned to the record room.

Sd/-
(Ajay Kumar Jain)
Presiding Officer
CGIT-cum-Labour Court, Delhi-1
20.02.2026