

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,  
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**ATA No. D-2/06/2020**

M/s Zapdor Engineering Pvt. Ltd.

Appellant

VS.

APFC, Noida

Respondent

**ORDER DATED:- 21/02/2022**

Present:- Shri Rajiv Arora, Ld. Counsel for the Appellant.  
Shri S.N. Mahanta, Ld. Counsel for the Respondent.

The matter was taken up for hearing today on the application filed by the counsel for the appellant praying extension of time for compliance of the order dated 08.12.2021 wherein the appellant was directed to deposit 20% of the assessed amount within 8 weeks from the date of the order. Copy of the petition was served on the respondent Mr. S.N Mahanta appeared and participated in the hearing. Call the matter for orders tomorrow i.e. 22.02.2022.

Presiding Officer

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Appellant

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**ORDER DATED:- 22/02/2022**

Present:- Shri Rajiv Arora, Ld. Counsel for the Appellant.  
Shri S.N. Mahanta, Ld. Counsel for the Respondent.

This order deals with the petition filed by the counsel for the appellant praying extension of time for compliance of the order dated 08.12.2021. Argument was advanced yesterday by the counsel for both the parties. On behalf of the appellant it was submitted that the

appeal has been filed challenging the order dated 30.08.2019 wherein Rs. 4,87,21,628/- has been assessed. For admission of the appeal this tribunal directed that 20% of the assessed amount is to be deposited by way of FDR within 8 weeks from the date of the order i.e. 08.12.2021. the LD. Counsel for the appellant further submitted that after the passing of the order the respondent has already recovered 50,00,000/- and some odd amount from the bank account of the appellant. The amount to be deposited being very big the appellant was making arrangement for the deposit when the 3<sup>rd</sup> wave of COVID 19 pandemic struck causing disruption to the business activities. As a consequence thereof the appellant could not arrange the deposit and in the interest of justice, a reasonable time extension be granted for compliance of the order dated 08.12.2021. He also pointed out to a document at Page 723 of the paper book which shows that after passing of the impugned order on 30.08.2019 and before the limitation for filing of appeal had run out the respondent on 05.02.2020 recovered 50,28,847/- from the bank account of the appellant. In such a situation the appellant submitted that a reasonable extension be granted.

The Ld. Counsel for the respondent challenge the maintainability of the application on the ground that the petition has been filed after lapse of 8 weeks allowed by the tribunal by order dated 08.12.2021. Hence, by necessary implication the appeal has been dismissed without admission and no time extension can be allowed on a dismissed appeal. He also pointed out that the application for extension has been filed by the advocate and not by the appellant and on that ground also it is not maintainable.

It is true that the extension for time has been prayed after expiry of time allowed for compliance of the order dated 08.12.2021. The petition further discloses that the appellant is ill and thus his advocate has been authorized to file the petition. No doubt the time for extension should have been filed before expiry of the time allowed for compliance. But for that mistake in conduct of the proceeding a party should not suffer when he has entrusted the matter to his counsel. The petition for time extension is thus allowed. The appellant as a last chance it is directed to make the deposit as has been directed in the order dated 08/12/2021 within 4 weeks from the date of this order. Call the matter on 29.03.2022 For compliance of the direction.

Presiding Officer