

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, MUMBAI.

PRESENT

JUSTICE R.N. KAKKAR

CGIT-1/EPFA/33(c)/2021

M/s. Sakinaka Muslim Education Society

...Appellant

V/s.

APFC, Thane

...Respondent

PRESENT:-

For Appellant

: Mr. H.L. Chheda (A.R)

For Respondent

: Mr. Ravi Ratessar (Adv.)

Dated: 10/06/2021.

1. The present appeal is filed by the appellant U/s. 7-I of the EPF & MP Act 1952 (herein after referred to as Act) against the order passed u/s 7-A of the Act dated 11/11/2020 and pertains to the applicability of the Act only.
2. Along with appeal memo, Misc. Application for condonation of delay is also filed. The copy of the Appeal Memo and applications has been furnished to the Respondent.
3. It is stated by the learned counsel for the Appellant that Appellant is an Educational Institute - School and due to spread of COVID-19 and lock down, the trustees of the appellant's school could not attend the office. The delay in filling the appeal was not

intentional or with any ill motive but was due to genuine problem faced by the appellant and the exigencies existing at that particular time. The appellant further submitted that as per the verdict of the Hon'ble Apex Court " The period from 15/03/2020 to till 14/03/2021 shall also stand excluded in computing the periods prescribed under section 23(4) and 29A of the Arbitration and Conciliation Act 1996, Section 12A of the Commercial Court Act 1996 and provisos (b) and (C) of Section 138 of the Negotiable Instruments Act 1881 and any other laws, which prescribed period(s) of limitation in instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceeding."

4. This condonation of delay application although vehemently opposed by the learned counsel for the respondent. However, considering the pandemic circumstances and the directions issued by the Hon'ble Apex Court and the grounds shown in the delay application at para 4 found to be genuine and bonafide and also in view of verdict of the Hon'ble Apex Court, I hereby allow the application for condonation of delay and direct the office to register the case.
5. Miscellaneous application EPFA-33(c) is finally disposed of accordingly.

Sd/-

Presiding Officer