

CGIT-1/EPFA/09 OF 2019

17/12/2019

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,**  
**MUMBAI**

Navi Mumbai Municipal Corporation ... Appellant

Vs

Asstt.Provident Fund Commissioner

Vashi ... Respondent

Present:

For the Appellant : Mr.B.K.Ashok, Adv.

For the Respondent : Smita Thakur, Adv. i/b

Suresh Kumar, Adv.

**ORDER**

1.. The present appeal is filed by the appellant under section 7(i) of the EPF & MP Act, 1952 (hereinafter referred to as 'Act') against the order dated 14.8.2018 passed by the Assistant Provident Fund Commissioner, Vashi the Respondent under section 7 A of the Act.

2. Alongwith appeal the appellant has filed application for condoning the delay. The appellant submits that they had personally approached the respondent to resolve the issue within the frame work of law. Thereafter the matter was taken up before the higher authority and approval for filing an appeal was taken which took considerate time.

3. Perusal of the record shows that the order against which this appeal has been preferred is of dated 14.8.2018. The date of filing of this appeal is 26.4.2019. The said order was received in the office of the Corporation despatch



department on 23.8.2018. Since the appeal under section 7-I was filed on 26.4.2019, it is clear from the record that the present appeal is filed after more than 120 days.

4. The respondent strongly objected the application of condonation of delay and argued that provisions of Section 5 of the Limitation Act to an appeal under Section 7-I of the said Act stands excluded, in order to substantiate his argument. He has drawn my attention towards the Division Bench of the Hon'ble High Court of Bombay in Writ Petition No. 2101 of 2014 The Manganga Sahakari Sakhar Karkhana Ltd vs. The Assistant Provident Fund Commissioner.

5. As I have already mentioned above that this appeal is filed after more than 120 days and since the order was passed on 14.8.2018 and appeal was filed on 26.4.2019, obviously the appeal is delayed by <sup>more than</sup> 120 days. In view of law cited above, I am of the view that this appeal is not maintainable. Hence this appeal is time barred and on this ground only the appeal stands rejected.

**Appeal is rejected.**

*Sd/-*  
(JUSTICE RAVINDRA NATH KAKKAR)

PRESIDING OFFICER



*[Signature]*  
Secretary to the Court  
Central Government Industrial  
Tribunal-cum-Labour Court No. I  
Mumbai