

ORDER SHEET
CENTRAL GOVT.INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

CASE NO. CGIT/LC/EPFA/26/2021
M/s Chhattisgarh Distilleries Limited Durg Vs. RPFC, Raipur

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
24-11-2021	<p>Taken up.</p> <p>Shri Sanjay Verma & Advocate Praveen Surange, learned Counsel for the appellant.</p> <p>Shri J.K.Pillai, learned counsel for the respondent.</p> <p>Perused the report of the Registry.</p> <p>The impugned order is passed on 13-9-2021 and the appeal has been filed on 12-11-2021. The appellant has filed an application for condonation of delay.</p> <p>The learned counsel for appellant presses his application under Section 7(o) of the Act.</p> <p>Heard both the sides and perused the record.</p> <p>Learned counsel has opposed the impugned order on merits on various grounds. The argument of respondent side is that the merits of the impugned order will be considered when the appeal is finally heard on merits.</p> <p>According to the learned counsel for the appellant, the impugned amount is huge and appellant is not in a position to deposit it . He further submits that simply because the appellant is not in a position to deposit the amount as required for his appeal being heard, it will be against the interest of justice to deprive him of his right to agitate against the order. He has placed reliance on case law <u>Moolchand Yadav and Another Vs. Raza Bulund Sugar Company</u> 1982(3)SCC 484 wherein it has been held that judicial approach requires that during pendency of appeal the order under Appeal having serious civil consequences should be suspended.</p> <p>Learned counsel for respondent has submitted that the Act is a beneficial legislation and there is no ground to exempt the appellant from making the pre deposit as</p>	

	<p>provided by statute before this appeal can be entertained for hearing.</p> <p>After having perused the records in the light of rival arguments, I am of the view that the interest of justice will be served after the appellant is required to deposit 40% of the amount under appeal within 30 days from today in favour of Registrar CGIT (payable at New Delhi). In case of compliance of this condition, there will be stay on recovery of amount under Appeal.</p> <p>Respondents to counter within 4 weeks from today with documents after serving a copy thereof to learned counsel for the appellant. Rejoinder if any, within 2 weeks thereafter.</p> <p>List the case for final arguments on _____</p> <p>PRESIDING OFFICER</p>	
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