

CGIT-1/EPFA/22 OF 2019

21.1.2021

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1**

**MUMBAI**

Finansys Consultant Pvt. Ltd. ... Appellant

Vs

Asstt.Provident Fund Commissioner

Bandra ... Respondent

**Present:**

For the Appellant : Mr.H.L.Chheda,  
Authorized Representative  
For the Respondent : Mrs.Kashimira Sawant, 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 27.11.2019 passed by the Assistant Provident Fund Commissioner, the Respondent under section 14-B of the Act.
2. Alongwith appeal the appellant has filed application for condoning the delay
3. The learned counsel for the Respondent objected the application for condoning the delay.



4. Learned counsel for the Appellant has also filed an application for waiver of deposit under proviso to Section 7-O of the P.F. Act.

5. The impugned order has been passed by the Respondent on 27.11.2019. This order was received on 02.12.2019. Appeal was filed on 04.09.2020. Statutory period of limitation expired on 02.02.2020 and further 60 days expired on 02.04.2020. The Appellant submitted that the Govt. of India as well as the Govt. Of Maharashtra has declared lock down under the provisions of the Disaster Management Act due to pandemic of COVID-19. The Appellant further submitte that the appellant was unable to file appeal within stipulated time of 60 days and within further period of 60 days since on 23.03.2020 lock down for COVID-19 was declared.

5. Perusal of the application for condonation of delay reveals that sufficient cause has been mentioned in the application. According to the verdict of Hon'ble Apex Court, due to the special circumstances of the pandemic COVID-19, delay condonation application is allowed.

6. Since this appeal is filed under Section 14-B in which penal damages is assessed to be Rs.8,28,037. Legal representative of the Appellant submitted before me that the Appellant has made a part payment of the assessed damages which comes to Rs.2,44,000/- The amount assessed by the Respondent as per the impugned order as damages is Rs.8,28,037/- and the period is spread over from 12/2006 to 10/2009, approximately for 3 years. It is pertinent to note that the pre-deposit under Section 7-O pertains to the assessed amount under Section 7-A and not mandatorily required under Section 14-B.

7. Keeping the facts and circumstances and the submissions made by the Appellant it should not be a blanket stay order but at least 20% of the assessed amount within 3 weeks *should be deposited*

In view of the above, I pass the following order.

(i) Delay in filing the appeal is condoned.




(ii) Appeal is admitted subject to the condition that the appellant has to deposit 20% of the assessed amount within three weeks. Thereafter the impugned order is stayed and the respondent is directed not to take any coercive steps till further orders.

<sup>A</sup> Next date fix is 18/02/2021



  
(JUSTICE RAVINDRA NATH KAKKAR)

PRESIDING OFFICER

  
Secretary to the Court  
Central Government Industrial  
Tribunal-cum-Labour Court No. 1  
Mumbai