

ORDER SHEET

DATE OF ORDER OF PROCEEDING	ORDER OR PROCEEDING WITH SIGNATURE OF PRESIDING OFFICER	REMARK
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CASE No. CGIT/LC/EPFA/Misc/28/2019
M/s Sanjay Maintenance Services Pvt Ltd Vs APFC Indore

26.06.2025 Matter taken up,

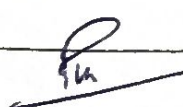
Adv. Shri J. K. Pillai appears on behalf of the Respondent.
Adv. Shri Uttam Maheshwari appears for the Appellant and submits that the present application is filed under Order 9 Rule 9 of the Code of Civil Procedure seeking restoration of the appeal which was dismissed for default by order dated 27.08.2019.

It is submitted that the copy of the said order was received by the Appellant on 04.12.2019, and the application is filed within the prescribed limitation from the date of knowledge.

The Appellant contends that the appeal, originally filed against the order dated 15.07.2015 passed under Sections 14B & 7Q of the EPF & MP Act, 1952, was admitted on 17.09.2015 and numbered as ATA No. 1048(08)2015. Consequent to the Notification S.O. No. 1696(E) dated 26.05.2017 issued by the Government of India, Ministry of Labour & Employment, the jurisdiction of the EPF Appellate Tribunal stood transferred to this Tribunal.

The Appellant submits that there was no communication received regarding the transfer of files or the hearing dates, and the previous counsel, appointed in New Delhi, expired a few months prior. Additionally, neither the Appellant nor its representative counsel was served any notice regarding further proceedings, and they remained unaware of any development in the matter. The dismissal of the appeal for non-appearance on 27.08.2019 thus occurred without their knowledge or deliberate default.

It is further stated that upon receiving a copy of the dismissal order on 04.12.2019, the Appellant immediately took steps for restoration. The non-appearance was due to unavoidable circumstances and lack of communication, and there was no intention to delay or avoid proceedings. It is submitted that grave prejudice would be caused to the Appellant if the appeal is not restored, whereas no irreparable harm would be caused to the Respondent by restoration.



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The Appellant has relied on the judgment passed by the Hon'ble Delhi High Court in W.P. (C) 1441/2021 (M/s Dewan Chand Through Partner Vikram Kumar vs. Central Board Trustees & Ors.), where the Hon'ble Court laid down that technical dismissal should not defeat substantial justice, especially in matters concerning social welfare legislation. The Hon'ble Court restored a dismissed appeal considering factors such as lack of knowledge of dismissal, shifting tribunals, and the bonafide conduct of the petitioner, albeit with imposition of cost.

Considering the submissions, material on record, and in the interest of substantial justice, this Tribunal finds merit in the application. The appeal is accordingly **restored to its original number**, subject to the condition that the **Appellant deposits a cost of ₹10,000/- (Rupees Ten Thousand only)** with the Respondent.

The restored appeal shall now be listed for further proceedings on a date to be notified.

Let an intimation be sent to the parties accordingly.

Ordered accordingly.

List the case on 6/11/25




Presiding Officer

JABALPUR