

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, DELHI**

M.A. 62/2023

M/s Piyush Colonizers Ltd. vs. APFC/RPFC, Delhi East.

Present: Sh. Riju Mani Talukdar, Ld. Counsel for the Appellant.
Sh. Rajesh Kumar, Ld. Counsel for the respondent.

Order Dated-12.08.2025

1. Record perused. The learned predecessor of this tribunal had reserved the matter on the application for condonation of delay. Undersigned has taken the additional charge of this tribunal on 27.12.2024. Thereafter, the matter was released and listed today for arguments.
2. The case of the appellant is that the NCLT, New Delhi had initiated the Corporate Insolvency Resolution Process (CIRP) on 30.09.2019 against **M/s Piyush Colonisers Ltd.** and appointed Mr. Umesh Garg as Resolution Professional for the appellant company, and the CIRP is still in progress. He further submitted that he came to know about the claim of Rs.17,63,29,366/- by the respondent only while preparing information memorandum. Since, considerable time has been lapsed so he is unable to file a review application. Hence, the present application has been filed seeking condonation the delay.
3. The respondent has opposed the prayer stating that there is a delay of 1496 days in filing the appeal against the impugned order dated 14.03.2019, which is not maintainable. He has made prayer that the appeal be dismissed.
4. I have heard the argument at bar and perused the record. Before proceeding further, it is important to mention the provision of section **7-I of the EPF & MP Act,1952 (hereinafter referred as the Act) & Rule 7(2) of the Tribunal (Procedure) Rules, 1997** which are as under;

7-1. Appeals to Tribunal.—(1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to sub-section (3), or sub-section (4), of section 1, or section 3, or sub-section (1) of section 7A, or section 7B [except an order rejecting an application for review referred to in sub-section (5) thereof], or section 7C, or section 14B, may prefer an appeal to a Tribunal against such notification or order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.

Rule 7(2) Fee, time for filing appeal, deposit of amount due on filing appeal. - (1)....

(2) Any person aggrieved by a notification issued by the Central Government or an order passed by the Central Government or any other authority under the Act, may within 60 days from the date of issue of the notification/order prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of 60 days:

Provided further that no appeal by the employer shall be entertained by a Tribunal unless he has [deposited with the Tribunal a Demand Draft payable in the Fund and bearing] 75 per cent of the amount due from him as determined under section 7A:

Provided also that the Tribunal may for reasons to be recorded in writing, waive or reduce the amount to be deposited under section 7-O.

5. There is no quarrel upon the fact that the impugned order was passed on 14.03.2019. Corporate Insolvency Resolution Process (CIRP) was initiated on 30.09.2019. The present appeal has been filed on 25.07.2023. As per the rules under the Act, the limitation period for filing an appeal against the order passed u/s **7A, 7B, & 7C and 14B of the Act** is sixty days, and the tribunal is empowered to condone the delay for a further period of sixty days, if sufficient cause is shown.
6. If the limitation is counted from 14.03.2019 or 09.04.2019 when the order was issued then also the limitation was expired on 06.06.2019. Even the appeal has not filed within the extended period that also expired on 06.08.2019. At that time, erstwhile management of the appellant company was in charge, not the resolution professional who filed this appeal. He was appointed after 30.09.2019 when the CIRP was initiated. Therefore, the argument that the moratorium has still been in operation does not give any leverage to the appellant to seek condonation of delay in filing the appeal. The plea that the R.P. earlier appointed has left the process in midway, is not tenable because at the time passing of the order, expiry of the limitation set out in the rules, management of erstwhile appellant was in existence and it is the duty of the erstwhile management to file the appeal.
7. In view of the above discussion, I find no merit in the application for condonation of delay. Hence, the misc. application filed on behalf of the appellant stands dismissed. Consequent thereto, the appeal also stands dismissed. Consign the record to the record room as per the rules.

Sd/-

Atul Kumar Garg
(Presiding Officer)