

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

D-1/33/2025 & D-1/34/2025

M/s Pooja Marbles vs. APFC Delhi (East).

Present: Sh. Pradeep Asopa and Sh. Ravindra J. Satdeve, Ld. Counsel for
the appellant.

Sh. S.N. Mahanta, Ld. Counsel & Sh. Surinder Kumar, A/R for the
Respondent.

Order dated-06.08.2025

ORAL

These are the two appeals filed by the appellant assailing the order passed by the respondent authority u/s 7 A as well as 14B & 7 Q of the EPF & MP Act, 1952 (hereinafter referred as 'the Act').

The appellant has pressed his application for condonation of delay stating that NCLT vide order dated 04.06.2025 has declared him Successful Resolution Applicant (SRA) and from that date he had taken the assets and liability of the company. In that order also, it was mentioned that the appellant / SRA had taken the liability of EPF dues. It is further the plea of the appellant that in fact the Resolution Professional (RP) was appointed in this case on 08.06.2020 and the claim have been lodged by the respondent before RP on 30.09.2022. During the proceedings before the RP and NCLT moratorium was in continuance, therefore, there appeals are in limitation.

There is no quarrel of the fact that there was a moratorium in existence from 08.06.2020 till 04.06.2025. If the date is counted from the order passed by NCLT, the appeals are found to be filed within the period of limitation of the Act. Therefore, the applications filed for condonation of delay in both the appeals stand disposed of.

Appellant has also drawn attention of this tribunal that no order u/s 14B & 7 Q has been passed and directly the claim has been lodged before the RP. This submission can only be looked when the trial court record will be brought before this tribunal.

As the entire amount assessed and claimed by the respondent has been deposited by the SRA with the respondent therefore, no question arises for disposing the application filed under section 7 O of the Act as well as application filed for seeking stay. Respondent is directed to file reply of both these appeals on 22.09.2025. Respondent is directed to bring the trial court record before one week of the next date of hearing and deposit it with the registry. Copy of this order be placed in both the files.

Atul Kumar Garg
(Presiding Officer)

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

D-1/25/2023 & D-1/26/2023

M/s Municipal Corporation of Delhi vs. RPFC Delhi (South).

Present: Sh. Rajneesh Kumar, Asst. Malaria Inspector for the appellant.
Sh. Prateek Tyagi, A/R for the Respondent.

Order dated-06.08.2025

Office has reported that an email has been received from Sh. Manu Parashar, Id. Counsel for the respondent at 01:56 P.M. stating that he is not able to file physical copy of written argument so he is sending the soft copy as attachment to the email. Respondent is directed to file the physical copy of the written argument as well as supply the same to the appellant. Office is directed to supply the copy of written arguments on the email of Ms. Nazia Parveen, Id. Counsel for the appellant. Put up for arguments on 25.09.2025. In the meanwhile, interim arguments to continue. Copy of this order be placed in both the files.

Atul Kumar Garg
(Presiding Officer)

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

D-1/26/2024

M/s Subba Microsystem Ltd. vs. RPFC Delhi (South).

Present: None for the appellant.

Sh. Rahul Kumar Verma, Id. counsel for the Respondent.

Order dated-06.08.2025

Today, the case is listed for arguments on the misc. Application filed u/s 7 O of the EPF & MP Act, 1952. Perusal of the record reveals that on the last date of hearing, Id. Counsel for the appellant had sought an adjournment on account of his illness, however, today also none has appeared despite calling the case several times. It is already 03:15 P.M.

Accordingly, the appeal is dismissed for want of prosecution. Office is directed to consign the record to the record room.

Atul Kumar Garg
(Presiding Officer)

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

D-1/84/2024

M/s Rajesh Saini vs. RPFC Delhi (East).

Present: Sh. Prakash Kumar, Id. counsel for the appellant.

Sh. Avinash Jha, proxy counsel for Sh. K. K. Jha, Id. counsel for the
Respondent.

Order dated-06.08.2025

Today, the case is listed for filing of reply to the appeal as well to the misc. Application filed for stay and thereafter consideration of the said application.

Respondent was granted opportunity to file reply in the month of February, 2025. Today also the proxy counsel appearing for respondent is seeking time of one week to file the reply.

Before proceedings further, the provision of Rule 12 are required to be reproduced hereunder:-

***12. Filing of reply and other documents by the respondents.—
(1) Each respondent intending to contest the appeal, shall file in triplicate the reply to the appeal and the documents relied upon in paper-book form with the Registry within one month of the service of notice of the appeal on him.***

(2) In the reply filed under sub-rule (1), the respondent shall specifically, admit, deny or explain the facts stated by the appellant in his appeal and may also state such additional facts as may be found necessary for the just decision of the case. It shall be signed and verified as a written statement by the respondent or any other person duly authorized by him in writing in the same manner as provided for in order VI, Rule 15 of the Code of Civil Procedure, 1908 (5 of 1908).

(3) The documents referred to in sub-rule (2) shall also be filed along with the reply and the same shall be marked as R-1, R-2, R-3 and so on.

(4) The respondent shall also serve a copy of the reply along with documents as mentioned in sub-rule (1) on the appellant or his legal practitioner, if any and file proof of such service in the Registry.

(5) The Tribunal may allow filing of the reply after the expiry of the prescribed period.

It is noteworthy from the above rule that the respondent is supposed to file his written reply within a month from receipt of notice of the appeal, however in the present case 7 months have been elapsed and despite availing seven opportunities in between, the reply has still not been filed. **This shows that the respondent does not intend to file reply and thus, the right to file the reply to misc. Application filed for stay as well as to the appeal stands closed.** The execution of the impugned order is stayed till finalisation of the appeal. Now list the case on 16.10.2025 for final arguments.

Atul Kumar Garg
(Presiding Officer)

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

D-1/12/2025

M/s. Vijay Power Generator Limited vs. RPFC Delhi (East).

Present: Sh. Prakash Kumar, Id. Counsel for the appellant.
Sh. Avinash Jha, proxy counsel for Sh. K. K. Jha, Id. counsel for
the Respondent.
Sh. Kailash Jonwal, proxy for Ms. Meenakshi Agarwal for the
complainant

Order dated-06.08.2025

Proxy counsel for the respondent seeks time to file reply to the misc. Application filed **u/s 7 O of the EPF & MP Act, 1952 (hereinafter referred as 'the Act')**. In the meanwhile, a development took place wherein one application has been filed by Sh. Kailash Kr. Jonwal under Order I rule 10 of CPC (for impleading him as a party). The applicant is also present who is a lawyer by profession. However, he submits that he has not been practicing since 1997 and has not filed a single authority letter before any court.

It is a matter of fact that the applicant has been retired from the service of the appellant's establishment in 2009 itself and this fact has been admitted by him because he has been getting pension from EPFO under Employees' Pension Scheme, 1997 amounting to Rs.1000/- per month. He has not surrendered his license issued from the bar. In spite of knowing it very well, he chose not to inform any authority including the bar council. Now he wants to continue his license of bar. The order has been passed only on the basis of reply of the counsel. The matter is between the appellant and the respondent department and there is no role of the applicant to be impleaded as a party. So the application being devoid of any merit stands dismissed. At the best, the applicant can assist the counsel for respondent at the time of hearing of the final arguments.

At last, the proxy counsel for the respondent seeks time to file reply to the application filed under section 7-O of the Act on the next date of hearing. This tribunal in one case titled as **(D-1/84/2024) M/s Rajesh Saini vs. RPFC Delhi (East)** has closed the right of the respondent to file the reply because he has already been given number of opportunities. While the rule states that the reply is to be filed within one month, no explanation has been given as to why reply has not been filed. Considering the above facts, right to file reply stands closed. In the meanwhile, considering the above facts the misc. Application filed under Section 7 O of the act is allowed without any deposit. Put up on 16.10.2025 for final arguments. Respondent is directed to produce the trial court record on the next date of hearing.

Atul Kumar Garg
(Presiding Officer)

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

D-1/09/2024

M/s. G.L. Management Services Pvt. Ltd. vs. APFC Delhi (East).

Present: Sh. Neeraj Kumar, proxy counsel for the appellant.

Sh. Narender Kumar, Id. counsel for the Respondent.

Order dated-06.08.2025

Ld. Counsel for the appellant has filed amended appeal and respondent is required to file reply to the same, however, Id. Counsel for the respondent seeks more time to file reply. In the interest of justice, prayer to grant more time is allowed as a last chance. Put up on 29.09.2025 for filing of reply by Id. Counsel for the respondent.

Atul Kumar Garg
(Presiding Officer)

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

593(4)2007

M/s. Indcon Projects & Equipment vs. RPFC Delhi (East).

Present: None for the appellant.

Sh. Narender Kumar, proxy counsel (Sh. S.N. Mahanta) for the
Respondent.

Order dated-06.08.2025

As none of the regular counsels are present, put up the matter on 26.09.2025 for final arguments. It is made clear that no adjournment shall be granted on the next date of hearing to any of the parties.

Atul Kumar Garg
(Presiding Officer)

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

873(4)2015

M/s. Multiserve India Pvt. Ltd. vs. APFC Delhi

Present: Sh. Karan Gaba, proxy (Ms. Shruti Munjal) for the appellant.
Sh. Kunal Surhatia, proxy counsel (Ms. Swati Surhatia) for the
Respondent.

Order dated-06.08.2025

As none of the regular counsels are present, put up the matter on 29.10.2025 for final arguments. It is made clear that no adjournment shall be granted on the next date of hearing to any of the parties.

Atul Kumar Garg
(Presiding Officer)

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

916(4)2015

M/s. Calson's Security Pvt. Ltd. vs. APFC Delhi North.

Present: None for the appellant.

Sh. Sushil Kumar, proxy for the Respondent.

Order dated-06.08.2025

As none of the regular counsels are present, put up the matter on 29.10.2025 for final arguments. Office is directed to give a notice again to the appellant informing him about the next date of hearing.

Atul Kumar Garg
(Presiding Officer)

Later on 07.08.2025, Sh. Rajiv Arora appeared and noted the next date of hearing after giving acknowledgement on the cause list of the day.

Atul Kumar Garg
(Presiding Officer)

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

604(4)2015

M/s. Pearson India Education Services Pvt. Ltd. vs. APFC Delhi North.

Present: Ms. Akshata, Id. Counsel for the appellant.
Sh. Prateek Tyagi, A/R for the Respondent.

Order dated-06.08.2025

Ld. Counsel appearing on behalf of the appellant submitted documents showing that the amount assessed in the impugned order stands already deposited by the appellant voluntarily and she wants to withdraw the present appeal.

The documents showing the assessed amount as deposited are handed over to the AR present for verification and submitting a report in this regard after confirmation from the cash branch of their office. Put up the matter on 11.08.2025 for filing of the report by the respondent.

Atul Kumar Garg
(Presiding Officer)