



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 25226 OF 2019 (L-PF)

BETWEEN:

M/S. MARUTHI CLOTHING CO
NO.3, DODDANEKKUNDI INDL. AREA
2ND PHASE, MAHADEVAPURA POST
BANGALORE-560 048
REPRESENTED BY ITS MANAGING DIRECTOR
MR. RAJESH N.

...PETITIONER

(BY SRI. VEERESH SANGOLLI, ADVOCATE)

AND:

THE ASSISTANT PROVIDENT FUND COMMISSIONER
SRO-WHITEFIELD
NO.36, NH-4, LAKSHMI COMPLEX
OPP. SYNDICATE BANK
OLD MADRAS ROAD,
K.R. PURAM
BANGALORE-560 036.

...RESPONDENT

(BY SRI. NANDITA D. HALDIPUR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS ON THE FILE OF CGIT, BANGALORE AND SET ASIDE THE ORDER PASSED IN EPF APPEAL NO.31 OF 2019 DATED 10.06.2019 BY THE RESPONDENT (ANNEXURE-E) IN DISMISSING THE APPLICATION FOR CONDONATION OF DELAY



FILED BY THE PETITIONER UNDER SECTION 5 OF THE LIMITATION ACT AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This Writ Petition is by the establishment M/s.Maruthi Clothing Co. invoking the extraordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India, assailing the order dated 10.06.2019 passed by the Central Government Industrial Tribunal-cum-Labor Court, Bengaluru¹ in EPF Appeal No.31/2019 (Annexure-E).

2. The CGIT vide impugned order, dismissed the application filed along with the appeal seeking condonation of delay under Section 5 of the Limitation Act.

¹ The CGIT, for short



3. Heard, Sri.Veeresh Sangaolli, learned counsel appearing for Sri.Prabhath.A.P, learned counsel for the petitioner and Smt.Nandita D.Haldipur, learned counsel appearing for the respondent.

4. The petitioner submits that the appeal was filed belatedly by two years along with an application seeking condonation of delay. It was contended before the CGIT by learned counsel for the petitioner that the Appellate Authority enjoining the discretionary power is empowered to condone the delay in preferring the appeal having regard to the facts and circumstances of the case. It was further contended that the respondent authority without resorting to the remedy available under Section 8B to 8G of the Employees Provident Fund and Miscellaneous Provisions Act, 1952², bringing into auction the immovable property attached, has abruptly issued show cause notice calling upon the explanation of the appellant that why he shall not be arrested.

² EPF & MP Act, for short



5. In response, the learned counsel for the respondent/ authority submitted that the CGIT which is exercising the power under the EPF & MP Act, which is a special statute in a complete code itself having separate provision for the condonation of delay in preferring the appeal, and the said provisions does not enjoin the power to the authority to condone the delay beyond the period fixed under the Statute. In that view of the matter, the CGIT dismissed the appeal preferred beyond the period which is amenable to the CGIT to condone the delay as provided under Rule 7(i) of the EPFAT Rules and dismissed the appeal, as such the order does not call for any interference.

6. Statute EPF & MP Act is a complete code in itself, prescribes the mode in which the authorities to Act under the Special Statute enjoining the power and creating restriction on the belated appeal on condonation of period of delay. The Authority cannot go beyond the discretion fixed under the Act which is *per se* exercised by Tribunal



while holding that the Tribunal has no power to condone the delay beyond the period fixed under the provision. What is absent/ restricted in the provision cannot be exercised under Article 226 of the Constitution of India to grant an extension of time, against the Statute. Any exercise of power would go against the provisions and frustrate the Statute. We having found no infirmities in the order passed by the CGIT, are of the opinion that the petition sans merits and accordingly, it is ***dismissed***.

7. In view of dismissal of the Writ Petition, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 1 Sl No.: 19