



CNR: KAHC010558062026

NC: 2026:KHC:48654
WP No. 25540 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

WRIT PETITION NO. 25540 OF 2026 (L-PF)

BETWEEN:

SRI GANESH PRASAD. M. V.
S/O M.L.VASUDEV MURTHY
AGED ABOUT 70 YEARS,
PROPRIETOR OF M/S GANESHA ESTATE,
VIJAYAPURA EXTENSION,
TILAK PARK ROAD,
CHIKKAMAGALURU - 577 101.

...PETITIONER

(BY SRI NAVEED AHMED, ADVOCATE)

AND:

THE ASSISTANT PROVIDENT FUND COMMISSIONER
EMPLOYEES' PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE,
RATHNAGIRI ROAD,
CHIKKAMAGALURU - 577 101.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE ORDER DATED 08.07.2026 PASSED BY THE LEARNED PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BENGALURU, IN EPF NO.343/2017, WHEREBY THE PETITION SEEKING CONDONATION OF DELAY WAS DISMISSED AND

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by ANUSHA V
Location: High
Court of
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CONSEQUENTLY THE APPEAL CAME TO BE REJECTED AS BARRED BY LIMITATION VIDE ANNEXURE-E AND ETC.

THIS PETITION, COMING ON FOR *ORDERS*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 08.07.2026 passed by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Bengaluru (***Tribunal***) in E.P.F.no.343/2017 at Annexure-E, this petition is filed.

2. Sri Naveed Ahmed, learned counsel for petitioner submitted that against an order dated 23.08.2012 passed by Assistant Provident Fund Commissioner, Chikmagalur in no.KN/CRK/SRO/ENF/461, an appeal was filed under Section 7-I Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (***Act***). Since there was a delay of 1335 days, an application for condonation was filed. Refusing to condone delay, impugned order is passed.

3. Learned counsel submitted that petitioner was a farmer and had a good case on merits. It was submitted that after passing of impugned order, legal opinion was obtained



and as there was no Bench constituted in South India, Appeal was required to be filed only at Delhi and though appeal was filed at Delhi, there was delay. It was submitted that there was no suppression by petitioner of any material fact and after keeping matter pending for eight (8) years, dismissal on ground of delay would be unjustified and sought for exercise of extraordinary jurisdiction by this Court to condone delay and direct Tribunal for considering appeal on merits.

4. Heard learned counsel and perused material on record.

5. Challenge is against an order passed by Industrial Tribunal refusing to condone delay. It is not in dispute that an appeal against an order of original Authority under PF Act would require to be filed within 60 days with a provision for condonation of 60 days. Thus, an appeal filed beyond outer limit of 120 days would be time barred. Admittedly, appeal was filed far behind said period. Though various reasons are assigned while passing impugned order, Tribunal has taken note of mandate under provision especially express exclusion of applicability of general law that is Limitation Act and ratio laid



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down by High Court of Delhi in ***Assistant Regional Provident Fund Commissioner, Meerut v. Employees' Provident Fund Appellate Tribunal and others (WP(C) no.4544/1999) and 16324/2004 (2005(VII)AD (Delhi)155)*** holding that there would be no provision for condonation of delay beyond 120 days and dismissed petition. A statute providing for specific period of limitation has to be construed as express stipulation against applicability of general law. Amongst grounds urged for condonation, only material contention would be that a Bench was not constituted in South India, which cannot be a ground for condonation. It cannot be open for a party to state that he was either unaware or unable to file appeal. Even contention that order on application for delay was passed after eight years would not take matter any further, as no prejudice is stated to have been caused. None of grounds urged merit consideration. Hence, Petition is ***dismissed.***

**Sd/-
(RAVI V HOSMANI)
JUDGE**