2024:PHHC:160851

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

110 **CWP-32626-2024**
Date of decision: 03.12.2024

CENTRAL BOARD OF TRUSTEES, EMPLOYEES PROVIDENT FUND ORGANIZATION AND OTHERS ….PETITIONERS

Vs.

M/S E-MEDITACH INSURANCE LTD. AND ANOTHER ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajesh Hooda, Advocate
for the petitioners.

****

JAGMOHAN BANSAL, J (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 28.03.2024 (Annexure P-13) whereby Central Government Industrial Tribunal-Cum-Labour Court, Delhi has condoned delay in filing appeal.

2. The Assessing Authority under Employees' Provident Fund and Miscellaneous Provisions Act, 1952 assessed liability of respondent No. 1-M/s E-Meditach Insurance Ltd, Gurugram. The respondent filed appeal before Appellate Tribunal after the expiry of almost 4 years from the date of passing assessment order. The Tribunal has condoned delay, though, it has power to condone delay of maximum 60 days.

3. Mr. Rajesh Hooda, Advocate submits that impugned order is contrary to judgment of Supreme Court in ***'Assistant Commissioner (CT) LTU, Kakinada and ors. Vs. M/s Glaxo Smith Kline Consumer Health Care Limited***

MANOJ KUMAR
2024.12.03 17:13
I attest to the accuracy and
integrity of this document

(2020) 19 SCC 681. The Tribunal travelling beyond its jurisdiction had condoned the delay.

4. I have heard the argument and perused the record.

5. The Tribunal has not condoned the delay beyond 60 days whereas Tribunal has recorded finding to the effect that there is no evidence of dispatch of impugned order. The Tribunal has further noticed that order was reserved and thereafter it was never listed for pronouncement. Considering these facts, the Tribunal has come to a conclusion that there is no delay beyond 60 days.

6. Faced with this, learned counsel for the petitioner submits that he does not press his petition, however, he may be granted liberty to raise all issues including limitation before Tribunal at an appropriate stage.

7. Dismissed as not pressed with aforesaid liberty.

03.12.2024 **[JAGMOHAN BANSAL]**
manoj **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

MANOJ KUMAR
2024.12.03 17:13
I attest to the accuracy and
integrity of this document