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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CO.APP. 27/2023**

**THE REGIONAL PROVIDENT FUND
COMMISSIONER**

.....Appellant

Through: Mr. Siddharth, SC with Mr.
Braja Bandhu Pradhan, Adv.
for EPFO

versus

MR D K SINGH, OFFICIAL LIQUIDATORRespondent

Through: Ms. Ruchi Sindhwani, SSC
with Ms. Megha Bharara, Adv.
for Official Liquidator.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

05.03.2025

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CM APPL. 61189/2023 (Delay 360 days in filing Appeal)

1. By way of the instant application the applicant seeks condonation of 360 days delay caused in the preferment of the instant appeal.

2. The appeal itself seeks to assail the order dated 05 January 2021. It becomes pertinent to note that the aforesaid order was followed by a subsequent direction framed by the learned Single Judge on 16 August 2022 and which too operated adverse to the appellant. Although they allude to that order in the application filed for condonation of delay, the same has neither been questioned nor challenged in the principal appeal.

3. We find from the recitals which appear in that order that



although the claim of the Employees' Provident Fund Organisation [‘EPFO’] had been adjudicated and admitted by the Official Liquidator to the extent of INR 3,64,65,302/- alone, the appellant never initiated any proceedings to assail or question the same. It is the aforesaid facts which have constrained the learned Single Judge to note that the repeated applications which were thereafter moved seeking reopening of those issues would not sustain.

4. In the application seeking condonation itself, the appellants do not allude to any circumstance which may be taken into consideration for the purposes of examining their prayer for condonation of delay. All that they speak of is the repeated communications which were addressed to the Official Liquidator.

5. We find that the delay has thus not been adequately explained. Consequently, the application shall stand dismissed.

CM APPL. 61190/2023 (Delay 37 days in re-filing Appeal)

6. In view of the application for condonation of delay being dismissed this application too shall stand dismissed.

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7. The appeal as a consequence, shall stand consigned to the record.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.

MARCH 5, 2025/akc