



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No. 31 of 2024

Bajaj Allianz General Insurance Company Ltd

.....Appellant

Versus

Uma Devi and another

.....Respondents

Presence:-

Mr. Pramod Bailwal,

the appellant.

Dated : 06 January, 2025

Hon'ble Vivek Bharti Sharma, J. (Oral)

An application (*IA 1 of 2024*) has been filed for condoning delay in filing of present appeal against the impugned award dated 16.03.2023 passed by learned Employees Compensation Commissioner, Dehradun in E.C.A. Case No.7 of 2017, whereby the compensation of ₹7,25,480/- has been awarded in favour of the claimant/respondent no.1 against the appellant/applicant.

2. Perusal of the record would reveal that the main contesting respondent i.e. respondent no.1 is served personally but there is no representation on her behalf.

3. As per the report of the Registry, there is 241 days delay in filing the appeal. The Delay Condonation Application (*IA 1 of 2024*) is filed by the application along with the affidavit for condoning the



delay with the averments that the appellant has not filed the present appeal within the limitation period prescribed due to procedural reasons for taking the legal opinion and permission from Head Office to file the present appeal.

4. Counsel for the appellant/applicant would submit that after passing the Award dated 16.03.2023, the file was sent to Zonal Office at Lucknow for seeking legal opinion to file the present appeal and said approval was given on 11.06.2023, thereafter, the relevant documents were sent to Nainital for preparing the appeal; that, the appellant/applicant was instructed to deposit the entire awarded amount before the Employees Compensation Commissioner; that, the entire awarded amount along with interest was deposited by the appellant/applicant on 21.06.2023,; that, the copy of the certificate for deposition of the awarded amount was received on 12.12.2023, which was sent to the Branch Office of the Insurance Company at Lucknow; that, thereafter, the present appeal was prepared and sent to the Branch Office Lucknow on 21.12.2023 for final approval; that, after receiving the final approval from the Head Office at Pune, the memo of appeal was sent to the Nainital and the same was received on 02.02.2024; that, the expiry date of the limitation was 16.05.2023, henceforth, the appeal could not be filed within time.

5. Perused the record in view of the submissions made by counsel for the



appellant/applicant.

6. This Court is not impressed with the submissions of the counsel for the appellant/Insurance Company made in respect of delay.

The award was passed on 16.03.2023 by the Employees Compensation Commissioner, Dehradun. As such, the limitation expired on 16.05.2023. As per the appellant/applicant, the letter for approval to Head Office was sent on 11.06.2023 while the entire awarded amount was deposited on 21.06.2023, in compliance of Section 30 of the Employees Compensation Act, 1923.

The learned counsel for the appellant/applicant is at loss to state that when the awarded amount was deposited on 21.06.2023 then why the certificate for deposition of awarded amount was collected after six months i.e. on 12.12.2023.

There is no explanation for delay in receiving this certificate.

It is also unfathomable that if the certificate was received on 12.12.2023, then why the appellant/Insurance took about two months to file the present appeal.

The affidavit is silent on this aspect also.

7. It is admitted fact that the appellant/Insurance Company is a Corporate Body with all paraphernalia. In the era of internet and fast communication of information and transmission of



Besides, the Hon'ble Supreme Court in plethora of judgment has held that only if the reasons are genuine and acceptable, then alone, delay is to be condoned and not otherwise. The application for condonation of delay cannot be a routine affair. A person, who is not vigilant, is not entitled for the relief after a prolonged period. It is well considered principle of law that while condoning the delay, the Courts have to consider the genuinity of the reasons furnished by the person seeking condonation of delay.

9. Consequently, the present appeal also stands dismissed.

(Vivek Bharti Sharma, J.)
06.01.2025

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