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

CNR No. DLHC010389282026

+ **FAO 266/2026, CM APPLs. 56122-25/2026**

SHAGIR ALAM

.....Appellant

Through: Mr. Manoj Kumar and Mr. Deepak
Rajwar, Advocates

versus

KUSHBOO KHATOON

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **20.08.2026**

CM APPL. 56124/2026 (condonation of delay of 382 days in filing the appeal)& CM APPL. 56125/2026 (condonation of delay of 134 days in re-filing the appeal)

1. By way of the present applications, the applicant/appellant seeks condonation of delay of 382 days in filing the appeal and 134 days in re-filing the appeal.

2. For the reasons stated in the applications, the same are allowed and the delay of 382 days in filing the appeal and 134 days in re-filing the appeal is condoned.

3. The applications are disposed of accordingly.

FAO 266/2026, CM APPL. 56122/2026 and CM APPL. 56123/2026

1. The present appeal has been filed under Section 30 of the Employees' Compensation Act, 1923, (hereinafter referred to as the "Act") by the appellant, thereby seeking to assail the order dated 16.12.2024, passed by the learned Commissioner, in case bearing No. ECI/178/ND/2022/2061-2063.

2. Briefly, the respondent/claimant approached the learned Commissioner



by filing a claim application under Section 22 of the Act. It was claimed that she had been working with the appellant as a Moulding Machine Man w.e.f. 03.02.2022 on a salary of Rs.7,000/- per month. It was further stated that on 24.04.2022, while she was working on the machine, her right hand came into the machine, resulting in injuries to the index finger and three other fingers of her right hand. The claimant further stated that the appellant did not report the incident to the police and instead got her treated at a private hospital. It was also stated that she was 19 years old at the time of accident and lost 100% earning capacity due to the accident.

3. The appellant appeared before the learned Commissioner and contested the claim. He denied the existence of any employer-employee relationship and stated that the claimant was neither his employee nor connected with the activities carried out by him. It was further stated that the claimant had filed the claim application without any basis and had not produced any document to establish the alleged employer-employee relationship.

4. The learned Commissioner, on the basis of the pleadings, documents and evidence led by the parties, framed the following issues:

- i. *Whether the claimant sustained injury in the course and out of her employment under the respondent, if so?*
- ii. *Whether the claimant is entitled to claim injury compensation under the EC Act, if yes?*
- iii. *Any other relief?*

5. Before proceeding further, this Court takes note of the limited scope of interference under Section 30 of the Act. It is well settled that an appeal under Section 30 lies only on a substantial question of law and that the findings of fact recorded by the learned Commissioner are not to be interfered with unless



the same are shown to be perverse or based on no evidence. In this regard, reference may be made to the decision of the Supreme Court in “North East Karnataka Road Transport Corporation v. Sujatha”¹ and “Golla Rajanna & Ors. v. Divisional Manager & Anr.”²

6. The principal challenge is to the finding regarding the employer-employee relationship. A perusal of the record would show that the finding of the learned Commissioner was not based merely on the statement of the claimant. The claimant had placed on record an undertaking stated to have been given by the appellant, wherein it was recorded that the claimant had been working with him and that he would provide her medical treatment, pay her full salary till recovery and provide her work thereafter. Significantly, the appellant admitted his signatures on the said document.

7. The learned Commissioner also examined the veracity of the signatures appearing on the said undertaking as well as those appearing on the payments/bills and, while exercising discretion under Section 114 of the Evidence Act, found the same to be similar. The learned Commissioner further took into consideration the fact that the claimant had stated that no appointment letter or other service benefits had been provided to her. Thus, the absence of a formal appointment letter, by itself, could not have been treated as sufficient to discard the other material available on record.

8. Additionally, in the cross-examination of the claimant, the appellant had given a suggestion that on the day of the incident, the claimant had come to the factory and suffered the injuries. This suggestion would clearly show that the incident was admittedly taken place in the premises of the appellant. Thus,

¹ (2019) 11 SCC 514

² (2017) 1 SCC 45



it is apparent that the denial of employee-employer relationship is nothing but a futile attempt to defeat the claim of the claimant.

9. The aforesaid circumstances were considered by the learned Commissioner while returning the finding regarding the employer-employee relationship, which was, in the opinion of this Court, essentially a finding of fact based on appreciation of the evidence and documents placed on record. The appellant has not been able to demonstrate that the said finding is perverse, based on no evidence or suffers from any manifest error warranting interference in an appeal under Section 30 of the Act.

10. In the considered opinion of this Court, no substantial question of law arises for consideration. Accordingly, the impugned order is upheld and the present appeal is dismissed.

11. The amount deposited by the appellant before the learned Commissioner be released to the respondent/claimant forthwith.

12. The appeal along with pending applications is disposed of accordingly.

MANOJ KUMAR OHRI, J

AUGUST 20, 2026/rd