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

+ **FAO 229/2014 & CM No.12936/2014**

% **Date of decision : 17th July, 2015**

M/S U.K.IMPEX Appellant

Through: Mr. Jitender Ratha, Adv.
Ms. Niwdita Bhasker, Adv.

versus

SH. DHARAMVEER BAITHA Respondent

Through: Mr. Varun Goswami, APP for the
State with ASI Sahab Singh, PS
Saket.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the impugned order dated 15th April, 2014 whereby the learned Commissioner Employee's Compensation has awarded the compensation of Rs.46,041/- alongwith interest @ 12% per annum to the respondent.
2. On 22nd February, 2007, the respondent claims to be working on a hydro machine in the appellants' factory and at about 7.00 P.M. in evening, the machine caught fire resulting in burn injuries to the respondent. The respondent was taken to Mata Chanan Devi Hospital. The respondent reported the matter to the police on the basis of which FIR No.608/2007 was registered at PS Uttam Nagar on 20th July, 2007 under Sections 287/338/34 IPC.
3. The respondent instituted an application for compensation before Commissioner Employee's Compensation which was contested by the appellant on the ground that the respondent was not his employee. However,

the appellant, in his cross examination, admitted that Mr. Vakil Prasad told him on the telephone on the date of the accident that two employees have met with an accident and he took them to the hospital.

4. Vide order dated 24th February, 2015, this Court summoned the record of the criminal case relating to FIR No. 608/2007 which has been received and has been perused. The investigating officer of this case is also present from the Police Station Uttam Nagar. Learned APP for the State has pointed out that during the course of investigation, the police had visited the site of the accident and had prepared a site plan which is in the record of the criminal case. The photographs of the machine which caught fire are on record in the criminal case. Mr. Varun Goswami, learned APP for the State has referred the letter dated 24th September, 2008 issued by proprietor of M/s. U.K. Impex in which proprietor of U.K. Impex has certified that Mr. Vakil Prasad was working in his factory. Learned APP for the State has also referred to the gate pass of the respondent.

5. The proviso to Section 30 of the Employee's Compensation Act provides that no appeal shall lie against any order unless a substantial question of law is involved in the appeal. This Court is of the view that no substantial question of law arises in this appeal.

6. The appeal is therefore dismissed. The appellant has deposited the compensation to the Commissioner, Employees' Compensation. Let the same be released to the respondent within two weeks. The record of the Commissioner, Employees' Compensation be sent back forthwith.

7. Copy of this order be given dasti to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

JULY 17, 2015

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