

\$~39

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

+ W.P.(C) 3061/2016

ABHISHEK BHARGAVA Petitioner

Through: Ms.Shikha Sapra, Adv.

versus

ASSISTANT COLLECTOR GRADE - 1/SDM AND ORS

..... Respondents

Through: Mr.Ankit Mishra, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **06.04.2016**

CM Nos.12934/2016 & 12935/2016

Exemption allowed subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 3061/2016 & CM Nos.12933/2015, 12936/2016

The petitioner is, *inter alia*, aggrieved by order dated 23.05.2014 passed by Employees Compensation Commissioner under the Employees Compensation Act, 1923 whereby the petitioner was directed to deposit Rs.2,72,241/- within a period of thirty days along with 12% interest from the date of accident till its realization.

Learned counsel for the petitioner submits that respondent No.3-Niranjan filed an application for compensation under the Employees Compensation Act, 1923 against Mr.Mukesh Bhargav (who is father of the petitioner) and the petitioner. Vide order dated 23.05.2014, the said application was disposed of and the petitioner

was directed to deposit a sum of Rs.2,72,241/- within thirty days from the date of accident till its realization.

Learned counsel for the petitioner further submits that the petitioner is not aware whether he has been served with the summons of the application and if any reply has been filed by him. However, the impugned order has been passed against the petitioner only.

On a specific query, learned counsel for the petitioner submits that the petitioner has not inspected the file and the petitioner is not aware as to when and how the name of respondent No.2 in the claim application (Mr.Mukesh Bhargav) was deleted.

Learned counsel for the petitioner also submits that the petitioner tried to move an application before the Commissioner under the Employees Compensation Act, 1923, but the said application was not taken on record.

After some arguments, Ms.Shikha Sapra, learned counsel for the petitioner seeks permission to withdraw the present petition as well as applications with liberty to move an appropriate application before the Commissioner under the Employees Compensation Act, 1923.

As prayed, petition as well as applications are dismissed as withdrawn. However, it is made clear that the application to be filed by the petitioner will be decided by the Commissioner under the Employees Compensation Act, 1923 in accordance with law.

V.P.VAISH, J

APRIL 06, 2016/gm