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

+ **FAO 411/2014**

M/S H S POWER PROJECT PVT LTD Appellant
Through: **Mr. V.K. Tandon, Advocate**

versus

HARKESH GUJJAR & ANR Respondents
Through: **Mr. Shoumik Mazumdar, Adv. for R-2.**
Mr. K.P. Mavi, Advocate with
Mr. B.P. Mishra, Adv. for R-3.

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

ORDER
% **15.03.2016**

1. The learned counsel for the appellant has stated that the Affidavit has been filed by respondent No.3 and he has seen the Affidavit. In terms of the Affidavit, various payments have been made by respondent No.3 to respondent No.1 on account of injuries having been suffered by respondent No.1 during the course of his employment.
2. It is further contended that in view of Section 53 of the ESI Act, the appellant cannot be fastened with the liability as has been done by the Commissioner, Workman Compensation and accordingly, it is prayed that the impugned order is set aside.
3. The learned counsel for respondent No.3 does not contest this.

4. Having regard to the submissions made as the payment has been made by respondent No.3 to the injured, respondent No.1, the order dated 12.11.2014 is set aside.

5. With these directions, the appeal stands disposed of.

6. The amount which has been deposited by the appellant shall be released to it.

V.K. SHALI, J.

MARCH 15, 2016

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