

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1300 of 2017**

M/s J. K. Roy P.C.C. Pole Factory, Village Potiya, Nagpura Road, District Durg, Office 14, 2nd Floor, Chouhan Estate Bhilai, District Durg Chhattisgarh.

---- Appellant**Versus**

Kheman Lal Sahu S/o Ghanshyam Sahu, aged about 33 years, R/o Village Mudpar, Post Uparva, P. S. Ghumka, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Appellant : Shri Ajay Thakre, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/10/2017**

Present is an appeal under Section 30 of the Employees Compensation Act. The challenge is to the award dated 27.08.2015 passed by the Commissioner under the Workmen's Compensation Act cum Labour Court, Durg in Case No. 100/W.C. Act/2010(Non fatal). Vide the impugned award the learned Commissioner has awarded compensation of Rs.59,443/- with interest @ 12% per annum from the date of accident in the event the compensation amount is not deposited within a period of one month.

2. The appeal has been preferred with a delay of more than 681 days. The sole ground seeking for condonation of delay is that according to the legal opinion obtained by the appellant, the appeal against the impugned award would be before the State Industrial Court at Raipur. But at a later stage, the appellant came to know that the appeal against the impugned award would be before the High Court and not before the Industrial Court and in the process the delay has been caused. No other ground has been raised by the appellant while seeking condonation of delay.

3. The ground raised by the appellant seeking condonation of delay is not sustainable and tenable for the simple reason that there is no evidence to the contention raised by the appellant. Counsel for the appellant also fairly accepts that no appeal was preferred before the Industrial Court. In the absence of any appeal having been preferred promptly even before a wrong forum and that there being no proof of any legal opinion given and also there being no justification as to why the appeal was not preferred even before a wrong forum, this Court does not find any strong ground made out for condoning the huge delay of 681 days in filing the appeal. Thus, the application seeking condonation of delay in filing the appeal being devoid of merit deserves to be and is accordingly rejected.

4. As a consequence, the appeal also stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE