

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 347 OF 2017

The Oriental Insurance Company Limited, through its Divisional Manager, Divisional Office, Ist Floor, Rama Trade Centre, near Bus Stand, Bilaspur, Civil & Revenue District Bilaspur (C.G.)-495001

... Appellant

Versus

1. Smt. Ahilya Bai, Wd/o Late Hariram Shrivasa, aged about 33 years, R/o Village Sukhrikala, P.S. Uрга, Tahsil and District Korba, presently R/o Kharmora, Atal Awas No. 665/Ward No.23, Korba, Tahsil and District Korba (C.G.)
2. Mukesh Kumar, S/o Late Hariram Shrivasa, aged about 14 years, minor, represented through mother and natural guardian Smt. Ahilya Bai, Wd/o Late Hariram Shrivasa, R/o Village Sukhrikala, P.S. Uрга, Tahsil and District Korba, presently R/o Kharmora, Atal Awas No. 665/Ward No.23, Korba, Tahsil and District Korba (C.G.)
3. Devesh Kumar, S/o Late Hariram Shrivasa, aged about 12 years, minor, represented through mother and natural guardian Smt. Ahilya Bai, Wd/o Late Hariram Shrivasa, R/o Village Sukhrikala, P.S. Uрга, Tahsil and District Korba, presently R/o Kharmora, Atal Awas No. 665/Ward No.23, Korba, Tahsil and District Korba (C.G.)
4. Namish Bhojasiya, Contractor, S/o Rajan Kumar Bhojasiya, aged about 42 years, at opp. Railway Station Champa, near Kela Godaam, Tahsil Champa, District Janjgir-Champa (C.G.)
5. Chhattisgarh State Electricity Board, Gharghoda Area, P.S. Gharghoda, Tahsil and District Raigarh (C.G.), through its Superintending Engineer (now after reorganization known as: Chhattisgarh Power Distribution Co. Ltd., Raigarh, Dn. Raigarh)
6. M/s Shyam Vidyut, Station Road, Champa, Tahsil Champa, District Janjgir-Champa (C.G.)

... Respondents

For Appellant	:	Mr. R.N. Pusty, Advocate.
For Respondents 4 & 6	:	Mr. Ankit Singhal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/07/2017

1. Heard on I.A. No. 1 of 2017, which is an application for condoning the delay of 7 days caused in the filing of the present appeal.
2. On due consideration and finding the reasons assigned in the application to be satisfactory, I.A. No. 1 of 2017 is allowed and the delay of 7 days occurred in the filing of the present appeal is condoned.

3. Challenge in the present appeal is to the award dated 19.12.2016 passed by the Commissioner for Employees Compensation-cum-Labour Court, Korba, in Case No. 57/W.C.A./2011/Fatal.

4. The limited ground of challenge raised by the Appellant-Insurance Company in the present appeal is that the policy which was taken by the employer i.e. Respondents No. 4 & 6 was that the accident did not occur while laying a new electricity line. That in the event if any accident takes place in the course of laying of a new line only, would the Insurance Company be liable from the policy covering its employees. It is further contended that it shall not cover any accident in respect of any repair work being done on the old existing electricity line. He refers to the evidence of one employer i.e. NAW-1, Namish Bhojasiya, wherein the said witness has stated that the accident had occurred on account of the fall of the deceased from the post where he had climbed for laying of a new line. There was also a denial of his death being from any repair work being done on the old electricity line.

5. What is apparent from the findings of the Labour Court is that for all the contentions that the Insurance Company has raised in its defence and on the basis of which the issues were framed, the Insurance Company has failed to lead any evidence by providing any documentary or oral evidence before the Court below to substantiate its defence. On the contrary the policy which was taken by the Respondents No. 4 & 6 was placed before the Court below as Exhibit D-1 and the nature of work covered under the policy is referred to as **“all the workers engaged in electrification work in the various districts in the State of Chhattisgarh”**.

6. This nature of coverage as is reflected from the policy, means that it has a wide connotation and would include any sort of electrification work which is undertaken by the contractor i.e. Respondent No.6 and executed

by Respondent No.4 on a contract provided by the State Electricity Company. It cannot be given an interpretation of it being applicable only in respect of an accident which arises in the course of laying of new lines.

7. In the absence of any evidence both oral and documentary led by the Insurance Company, this Court does not find any strong case made out calling for interference with the impugned award of the Labour Court. Much less, this Court also does not find any substantial question of law made out in the given factual circumstances for entertaining the present appeal on merits.

8. The appeal thus being devoid of merits the same is dismissed.

Sd/-
(P. Sam Koshy)
Judge