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

+ **FAO 42/2017 & CM No. 2716/2017 (stay)**

MANOHAR PASWAN

..... Appellant

Through: None.

versus

GOVT OF NATIONAL CAPITAL TERRITORY OF DELHI & ORS

..... Respondents

Through: Mr. Hem Kumar, Adv. for R-1.
Mr. P.N.Dwivedi, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **05.05.2017**

1. No one appears for the appellant.
2. It is noted that as per Section 30 of the Employee's Compensation Act, 1923, this first appeal is not maintainable unless there is a pre-deposit of the awarded amount before the Commissioner. There is no exemption provided or any provision for reducing the amount awarded by the Commissioner and which has to be deposited before the Commissioner.
3. Appellant filed two applications for exemptions. One application being CM No. 2717/2017 was indeed an exemption application because it

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sought exemption from filing certified copies. Another application is titled as an application for exemption being CM No. 2715/2017 but really the application was not of exemption but was for waiver of the amount to be deposited before the Commissioner and application however surprisingly talks of waiver of one third of the amount, and how this one third amount is arrived at is not known because there is no provision for filing of an appeal by only depositing the one third of the awarded amount.

4. Accordingly, the order dated 23.1.2017 treating CM No. 2715/2017, only as a simple application for exemption and allowing the same by one line order is accordingly recalled and CM No. 2715/2017 is accordingly taken up by this Court.

5. In view of the categorical language of Section 30 of the Act, which only allows filing of an appeal subject to pre-deposit of the entire awarded amount and admittedly there is no pre deposit of the awarded amount by the appellant, therefore, this appeal is not maintainable and dismissed as such.

6. Registry will not entertain any application for recall of this order unless the application is accompanied by the pre deposit receipt of the

awarded amount as required by Section 30 of the Employee's Compensation Act.

7. The appeal is disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

MAY 05, 2017
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