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

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+ FAO 590/2016

MOHMAD RABANI

..... Appellant

Through: NEMO.

versus

PEER KHAN & ORS

..... Respondents

Through: Mr. Kamal Deep, Advocate for
respondents No.1 to 5

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+ FAO 597/2016

AMAR JYOTI

..... Appellant

Through: NEMO.

versus

PEER KHAN AND ORS

..... Respondents

Through: Mr. Kamal Deep, Advocate for
respondents No.1 to 5

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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09.10.2017

1. These cases relate to the construction of a residential house in which more than 10 workers were employed during the construction and the cost of construction was more than Rs.10 lakh. The owner of the building has been held liable to pay compensation under Section 45 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 read with Section 12 of the Employees' Compensation Act.

2. Section 58 of Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 expressly provides that the provisions of Employee's Compensation Act shall apply to building

workers. Section 58 of Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 is reproduced hereunder:-

“Section 58. Application of Act 8 of 1923 to building workers.—

The provisions of the Workmen's Compensation Act, 1923, shall so far as may be, apply to building workers as if the employment to which this Act applies had been included in the Second Schedule to that Act.”

3. The Commissioners, Employees' Compensation are not examining the applicability of Section 45 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 in case of death/injury to workers during the course of construction of building costing more than Rs.10 lakh and in which more than 10 workers were employed during the construction. It is, therefore, necessary to issue directions to Commissioners, Employees' Compensation.
4. Mr. Sanjoy Ghose, learned Additional Standing Counsel for Government of NCT of Delhi shall submit brief note of submissions with respect to the implementation of Section 45 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 in respect of death/injury of construction workers as well as the suggestions with respect to the directions to be issued to the Commissioners, Employees' Compensation within one week.
5. List on 17th October, 2017.
6. Copy of this order be given *dasti* to counsels for the parties as well as to Mr. Sanjoy Ghose, ASC for GNCTD under signatures of the Court Master.

J.R. MIDHA, J.

OCTOBER 09, 2017

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