

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVIEW PETITION NO. 23 OF 2018**

- Rajesh Kumar Mishra, Proprietor M/s R.K. Construction, behind Railway School, Manendragarh, Tahsil- Manendragarh, District Korea (C.G.)

... Applicant**versus**

1. South Eastern Coalfields Limited, through its General Manager, SECL, Bhatgaon Area, District Surguja (C.G.)
 2. Sukhmen, W/o Late Kannilal
 3. Sirmen Bai, D/o Late Kannilal
 4. Tilochni, D/o Late Kannilal
 5. Sanny, S/o Late Kannilal
 6. Phoolmati, D/o Late Kannilal
- All R/o Village Batra, Thana Jainagar, Tahsil- Surajpur, District Surguja (C.G.)

... Respondents

For Applicant	:	Mr. C.J.K. Rao, Advocate.
For Respondent No.1	:	Ms. Astha Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/04/2018**

1. Delay condoned.
2. The present review petition has been filed seeking review of the order dated 2.1.2018 passed in M.A.(C) No. 1720 of 2017. Vide the said order, this Court had rejected the appeal preferred by Respondent No.1 under Section 30 of the Employees Compensation Act. The present Applicant is alleged to be the Contractor under whom the deceased employee was working on the date of accident.
3. This Court while dismissing the appeal of Respondent No.1 had observed that Respondent No.1, i.e., appellant in M.A.(C) No. 1720 of 2017, would have the liberty to recover the amount from the contractor under whom the deceased employee was working, in view of Section 12 of the Employees Compensation Act.

4. Learned Counsel for the Applicant in this review petition submits that the Applicant had never executed any contract with Respondent No.1 nor has he performed any contractual work with Respondent No.1 and the alleged accident also did not take place in course of the execution of any contract of the Applicant.

5. Considering the specific averments made by the Applicant that he has not executed any work with Respondent No.1, this Court prima facie feels that the order under review needs to be reconsidered. That another ground for review occurs for the reason that the appeal of Respondent No.1 was heard and decided without hearing the Applicant.

6. Accordingly, the review petition is allowed. The order dated 2.1.2018 passed in M.A.(C) No. 1720 of 2017 stands recalled. Let M.A.(C) No. 1720 of 2017 be listed for re-hearing.

Sd/-
(P. Sam Koshy)
Judge