

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**925 CIVIL APPLICATION NO. 10829 OF 2018
IN FAST/25642/2018**

THE MANAGING DIRECTOR, VAIDYANATH COOPERATIVE SUGAR
FACTORY LTD., PANGRI
VERSUS
ARJUN BALU PAWAR AND ORS

...
Advocate for Applicant : Adv.Pooja Deelip Patil with
Shri D.N.Bankar Patil

...
CORAM : P.R. BORA, J.
Date: August 28, 2018

...

PER COURT :-

1 Heard Smt.Pooja Patil, learned Counsel appearing for the applicant/appellant.

2 Learned Counsel sought to contend that there was no employer-employee relationship between the deceased and the applicant/appellant Sugar Factory, however, the learned Commissioner, Employees Compensation and Civil Judge (Senior Division), Ambajogai, has failed in appreciating the said fact and has imposed the liability on the appellant Sugar Factory. The learned Counsel in the circumstances has prayed for exempting the appellant Sugar Factory from precondition of depositing the amount under the award and alternatively prayed for some time to deposit the amount.

3 Initially, this Court was of the opinion that this Court does not have any such discretion to even allow the registration of the appeal without certificate of the Commissioner, Employees Compensation, in view of the proviso to Section 30 of the Employees Compensation Act 1923, however, the learned Counsel has placed on record the order passed by this Court in First Appeal Stamp No.17372 of 2011 (Coram: R.M.Borde, J.) on 15.07.2011. As such I am inclined to pass the following order:-

ORDER

- I) Time of two weeks is permitted for depositing the entire amount covered by the award dated 27.02.2018 passed by the Commissioner, Employees Compensation in Workmen Compensation Petition No.9 of 2013 and for securing certificate in respect of deposit of amount.
- II) The certificate in respect of deposit of amount shall be presented before this Court within three weeks from the date of this order.
- III) Civil application is disposed of.

(PR.BORA)
JUDGE