

\$~54

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

+ **FAO 511/2016 & CM No.39614/2016**

**M/S KLA CONTRUCTION
TECHNOLOGIES PVT LTD**

..... Appellant

Through: **Mr. Kartickay Mathur, Mr. Sanket
Gupta and Mr. K.K. Shukla, Adv.**

versus

SURESH PASWAN & ORS

..... Respondents

Through: **Mr. Hari Kishan, Adv.**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **27.04.2018**

1. The appellant has challenged the order dated 13th July, 2016 whereby the Commissioner, Employees' Compensation awarded compensation of Rs.3,74,364/- to respondent No.1.
2. Respondent No.1 filed an application for compensation before the Commissioner, Employees' Compensation on the averments that he was working at the construction site of Fortis Hospital under the appellant on 13th July, 2008 when he fell down from the roof of the first floor and suffered grievous injuries which resulted in 60% permanent disability. Respondent No.1 relied upon the disability certificate dated 13th September, 2009 issued by a hospital at Patna and the Commissioner, Employees' Compensation awarded compensation of Rs.3,74,364/- by taking the permanent disability of respondent No.1 as 60%.
3. Vide order dated 21st March, 2017, this Court directed Medical Superintendent of Dr. Ram Manohar Lohia Hospital to constitute a Medical Board to examine the permanent disability of respondent No.1 in pursuance

to which the Medical Board was constituted and the Medical Board submitted the report dated 09th November, 2017 according to which respondent No.1 has not suffered any permanent disability.

4. The report of the Medical Board dated 09th November, 2017 is accepted. Since respondent No.1 has not suffered any permanent disability, the appeal is allowed, the impugned order dated 13th July, 2016 is set aside and the application for compensation of respondent No.1 is dismissed.

5. The appellant has deposited Rs.7,52,471/- with the Commissioner, Employees' Compensation. Learned counsel for respondent No.1 submits that some amount be released to respondent No.1 with respect to the injuries suffered by him in the accident. Learned counsel for the appellant has no objection to the release of Rs.50,000/- to respondent No.1 without prejudice to his rights and contentions.

6. The Commissioner, Employees' Compensation is directed to release Rs.50,000/- to respondent No.1 out of the amount deposited by the appellant. The balance amount deposited by the appellant along with the interest accrued thereon be refunded back to the appellant.

7. The pending application is disposed of.

8. The record of the Commissioner, Employees' Compensation be returned back.

9. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

APRIL 27, 2018

Ak