

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7382/2017

Maharashtra State Electricity Distribution Company, Nagpur

..Vs..

Baba S/o Mahadeo Kotamkar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.M. Kale, Advocate for the petitioner.
Shri S.B. Dhande, Advocate for respondent No.1.

CORAM : Z.A. HAQ, J.

DATED : 21.6.2019.

Learned Advocate appearing for respondent No.1 has pointed out that the impugned order is appealable under Section 30 of the Employee's Compensation Act. It is further submitted that as per 3rd proviso below Sub-Section (1) of Section 30 of the Employee's Compensation Act, the appeal cannot be entertained unless memorandum of appeal is accompanied by a certificate of the Commissioner to the effect that the appellant has deposited the amount payable under the order appealed against and in the present case, the amount as directed by the Commissioner under the Employees Compensation Act, was not deposited by the petitioner till filing of the petition. It is pointed out that the writ petition is filed on 13th April, 2017 and when it came before Court on 18th July 2018, this Court directed issuance of notice to the respondent and granted interim order as prayed for by the petitioner subject to the condition that the petitioner

deposits an amount of Rs.6,00,000/- within four weeks. It is submitted that in the above background, if the petitioner files appeal, that appeal also will not be maintainable, as the amount was not deposited within limitation prescribed for filing appeal.

Learned Advocate for the petitioner has not been able to counter the submission made on behalf of the respondent No.1 that the impugned order is appealable. Hence, the writ petition is **dismissed**. The petitioner will be at liberty to file appeal in the matter, if so advised.

The amount deposited by the petitioner shall be transmitted to the Commissioner under the Employees Compensation Act, 1923 and Judge 3rd Labour Court, Nagpur.

JUDGE