



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

**28 CIVIL APPLICATION NO. 12268 OF 2024
IN FAST/16681/2021**

NASRIN ANSAR SAYYAD AND ORS

VERSUS

EX. ENGINEER, M.S.E.D.C. LTD., AURANGABAD AND ANR

WITH

**CIVIL APPLICATION NO. 6280 OF 2021
IN FAST/16681/2021**

EX. ENGINEER, M.S.E.D.C. LTD., AURANGABAD AND ANR

VERSUS

NASRIN ANSAR SAYYAD AND ORS

WITH

**CIVIL APPLICATION NO. 6282 OF 2021
IN FAST/16681/2021**

EX. ENGINEER, M.S.E.D.C. LTD., AURANGABAD AND ANR

VERSUS

NASRIN ANSAR SAYYAD AND ORS

Mr.M.R. Deshmukh, Advocate for the applicants-claimants.

Mr.U.S. Malte, Advocate for the respondent-company.

CORAM : KISHORE C. SANT, J.

DATE : 25.11.2024

PC :-

CIVIL APPLICATION FOR WITHDRAWAL

01. This application is filed for withdrawal of amount deposited by appellant – MSEDCL in this Court. The amount is towards compensation under the Employees Compensation Act, deposited with the Commissioner for Employees Compensation and Judge, Labour Court, Beed.

02. The application is vehemently opposed by learned Advocate

Mr. Malte. The main dispute is in respect of employer-employee relationship. He submits that the deceased was never engaged by the MSEDCL for any work. The work is always carried by giving contracts. He further submits that there is no evidence on record to show employer-employee relationship.

03. However, considering that the application under the Workmen's Compensation Act was decided ex-parte and even while filing this appeal, there is delay of 1259 days caused in filing the appeal, it is not desirable to keep the applicants without fruits of the order. Hence, following order :-

- (i) 50% of the amount along with accrued interest is allowed to be withdrawn on furnishing undertaking in the office of learned Commissioner for Employees Compensation and Judge, Labour Court, Beed, to the effect that in case the appeal is decided against the applicants, they shall re-deposit the amount along with interest within 12 weeks from the date of such order.
- (ii) Further 25% amount is allowed to be withdrawn along with accrued interest on furnishing solvent security/surety to the satisfaction of learned Commissioner for Employees Compensation and Judge, Labour Court, Beed.
- (iii) Remaining amount shall be kept in the fixed deposit till disposal of the appeal.
- (iv) The civil application is accordingly allowed and is disposed off.

CIVIL APPLICATION FOR CONDONATION OF DELAY.

01. For the reasons stated in the application, the delay stands condoned. The civil application is allowed. The first appeal be registered.

FIRST APPEAL

01. Issue notice to the respondents-claimants, returnable on 03.02.2025. Learned Advocate Mr. M.R. Deshmukh waives service of notice for the respondents.

02. Call for record and proceedings.

03. The parties are put to notice that if time permits, this Court will take up the matter for final disposal at the stage of admission.

[KISHORE C. SANT, J.]