



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

FIRST APPEAL NO. 1069 OF 2025

Shrikant Subramanyam Ayyar,
 Aged about 46, Occ : Agriculture,
 R/o. Gokulpeth, Nagpur, Tah.& Dist.
 Nagpur



.. Appellant

Versus

1. Sarita Nandkishor Mane,
Aged about: 40 years, Occ: Housewife
2. Rinku Nandkishor Mane,
Aged about: 19 years, Occ: Student
3. Nandkishor Ramchandra Mane,
Aged about: 49 years, Occ: Labour
All R/o. Dawandipar Road, At Post
Bela, Tah. & Dist. Bhandara
4. Dnyaneshwar/Nana Narayan Bhonde
Aged about: 36 years, Occ: Contractor,
R/o. Mohdura, Tah & Dist. Bhandara
5. Executive Engineer,
Maharashtra State Electricity
Distribution Company Limited,
Bhandara, Tah. & Dist. Bhandara



.. Respondents

Mr. Sahil M. Bhangde, Advocate for appellant.
 Mr. S. W. Sambre, Advocate for respondent Nos.1 to 3.
 Mr. D. A. Mohgaonkar, Advocate for respondent No.5.

CORAM : ROHIT W. JOSHI, J.

DATED : DECEMBER 18, 2025

ORAL JUDGMENT

(1) **Admit.** Heard finally with the consent of the learned counsel appearing for the parties.

(2) The present appeal is filed challenging the judgment and order dated 06/03/2025, passed by the Commissioner under the Employee's Compensation Act, 1923 and Judge, Labour Court, Bhandara in E.W.C.A. No.06/2021.

(3) One Rushabh Mane (hereinafter referred to as 'deceased'), son of respondent Nos.1 and 3 died on 02/07/2021.

(4) The respondent No.5 is Executive Engineer, MSEDCL, Bhandara and the respondent No.4 is a Contractor who was registered with respondent No.5 at the relevant time. The appellant is the owner of an agricultural land. It is not in dispute that the appellant was in need of electricity connection for his agricultural land and had hired services of respondent No.4 Contractor for providing electricity connection. The deceased was engaged by the respondent No.4 for carrying out the work of installation. The deceased has expired while he was undertaking the said work.

(5) The respondent Nos.1 to 3 filed proceeding under Section 22 of the Employees Compensation Act, 1923 seeking compensation on account of demise of the deceased during the course of the

employment with the appellant and respondent Nos.4 and 5. Learned Commissioner has allowed the application filed by the respondent Nos.1 to 3.

(6) Mr.Sahil Bhangde, learned counsel for the appellant contends that having regard to the definition of the term "employee" and "employer" as defined under Section 2(dd) and 2(e) of the Act, 1923 respectively, the deceased cannot be said to be an employee of the appellant. He argues that employer-employee relationship is not established. He further contends that the deceased was employee of the Contractor or MSEDCL. Learned counsel further contends that admittedly deceased was not engaged by the appellant and was also admittedly working under the control of respondent No.4.

(7) It is not in dispute that the respondent No.4 was hired as a Contractor by the appellant for the work of installation of electricity connection in his agricultural land. The evidence on the record will suggest that the respondent No.4 had engaged the deceased in relation to the said work. It is established that while doing the said work deceased has expired.

(8) The definition of the term employer is an inclusive definition. The definition is required to be read along with Section 12 of the Act, 1923, since deceased was not directly employed by the appellant, but through the respondent No.4.

(9) The Delhi High Court in the case of ***Shri Krishan vs. Jasoda Devi and others (FAO 135/2016 & CM Nos.11283/2016 & 34897/2016)***, decided on 27/09/2017 has elaborately dealt with Section 12 of the Act, 1923. It has considered several decisions on the subject by different High Courts and has held that the word “employer” includes a person who contracts with other person for carrying out his work. It is held that a person who contracts with other person is also an employer with respect to employees who are directly employed by the contractor. It is held that the principal may claim indemnification from the contractor, but he cannot avoid to make payment of compensation to the injured employee or dependents of the deceased employee, as the case may be. It is held that the word “trade” and “business” in Section 12 of the Act, 1923 have a different meaning. It is held that having regard to the Scheme of the Act, 1923 the word “business” must mean any work or task undertaken by a person concerned which he gets done through some other person. Similar view is taken by this Court in the case of ***Panditrao Shamrao Bhongade and others vs. Sunanda widow of Nagesh Dongre and others (2000) 2 CLR 393.***

(10) In view of above, in the considered opinion of this Court, the appellant, although he had not directly engaged the deceased, will fall within the definition of the term “employer” and will be liable to pay compensation payable under the Act on account of death of the

deceased which had occurred during the course of employment.

(11) In view of above, no substantial question of law arises for consideration of the present appeal. Therefore, the present first appeal is dismissed with no order as to costs.

CIVIL APPLICATION (F) NO. 3687 OF 2025

(1) The amount deposited by the appellant is allowed to be withdrawn by the respondent Nos.1 to 3. The respondent Nos.1 and 3 shall be entitled to receive 40% each along with accrued interest thereon and respondent No.2 shall be entitled to receive 20% amount along with accrued interest thereon.

(2) The Civil Application is disposed of accordingly.

[ROHIT W. JOSHI, J.]

KOLHE