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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4640/2025, CM APPL. 21439/2025

**SH. SANJEEV JAIN PROP. OF MS SRI BALAJI
PACKERS**

.....Petitioner

Through: Mr. Sanjeev Saroha and Mr. Narender
Singh Sangwan, Advocates.

versus

SH. DINESH & ORS.

.....Respondents

Through: Ms. Indu Singh and Mr. Rahul
Chaudhary, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.05.2025

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1. By way of the present petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks to assail the order dated 21.09.2021 passed by the Commissioner, Employees Compensation, whereby the respondent No.1's claim application was allowed in the context of an accident suffered by him on the factory premises of the petitioner.
2. The challenge raised in the present writ petition is that the claim application was entertained in the year 2020 with respect to an incident that occurred in the year 2009. Learned counsel for the petitioner contends that the claim application was entertained without there being any application for condonation of delay.

On merits, it is submitted that there were two establishments, namely, *M/s Sri Balaji Packers* and *M/s Salasar Packwell* and vide the impugned order, both have been directed to deposit the amount of Rs.9,17,342/- jointly or severally towards principal and interest. It is further submitted that the impugned order came to be passed on 17.09.2021, whereas the present



petition has been filed after a delay of about 4 years. Learned counsel submits that the petitioner acquired knowledge of the impugned order only when it received the summons on 10.01.2025 in the execution petition.

3. A perusal of the impugned order would indicate that in the proceedings before the Commissioner, the management/petitioner and respondent No.2 were duly served, the factum of which was noted in paragraph 3 of the impugned order, which reads as under:-

“3. On receipt of the claim, summon was issued by the then CEC on 27.11.2020. As per the report of postal department, speed post booked vide No. ED734136050IN & ED7341361821N dated 27.11.2020 was delivered on 28.11.2020 and 02.12.2020 respectively and according to the service reports, both the managements were proceeded ex-parte and matter was fixed for filing petitioner evidence.”

4. The petitioner, despite being served, chose not to appear before the Commissioner or contest the claim application. Even the contention that the claim application was entertained without an accompanying application seeking condonation of delay is also misplaced, inasmuch as the impugned order records that the claim application was duly accompanied by the application seeking condonation of delay, which, in light of the facts and circumstances of the case, was duly condoned. Further, the petitioner has failed to explain its own delay in approaching this Court, except for a bald averment that it received the notice only in January, 2025.

5. Even otherwise, on merits, the Labour Commissioner has rightly allowed the claim of the respondent No.1 after taking into consideration the medical disability certificate dated 06.03.2018, whereby 78% disability in the right hand of the respondent No.1 was assessed by the Sanjay Gandhi Memorial Hospital, Mangolpuri. Additionally, it was also noted that in the proceedings before the Labour Inspector, the management/petitioner admitted that they would pay the compensation to the workman/respondent No.1, however, they failed to perform the said obligation. The Labour



Commissioner further allowed the claim of salary of Rs. 4000/- only against the claim of Rs. 12000/- as per the maximum limit notified under the Act at that point of time i.e, the year 2009, and the permanent partial disability of the respondent in terms of S.4(1)(c) of the Act as Rs. 3,77,507/- . The interest component was assessed to be Rs. 5,39,835/-.

6. In view of the observations made that the petitioner was duly served way back in 2020, as well as taking into account the facts and circumstances, I find no illegality or perversity in the order. There exists no ground to entertain the present petition, and the same is accordingly dismissed alongwith the pending application.

MANOJ KUMAR OHRI, J

MAY 19, 2025

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