



\$~68

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

+ **FAO 382/2024**

PUNAM RAJ & ANR.

.....Appellants

Through: Mr. Chandan Prakash, Adv. with
Mr. R. K. Nain, Mr. Chandan & Mr.
Satya Parkash Saini, Advs.

versus

RAJAT TYAGI

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

15.01.2025

%
CM APPL. 72009/2024 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

FAO 382/2024

1. This appeal has been filed under Section 30 of the Employee's Compensation Act, 1923 against the impugned order dated 22.10.2024 passed by the Commissioner under the Employees Compensation Act, District North, Nimri Colony, Ashok Vihar, Delhi-110052, in Case No. ECD/6/ND/2024 titled as Smt. Punam Raj Vs. Rajat Tyagi Proprietor of M/s Shri Shyam Plastic Udyog.
2. The husband of appellant no.1 died due to electrocution while serving with the respondent as a machine operator in his factory. The appellant filed a claim application for death compensation before the Commissioner under the Employee's Compensation Act, 1923.



3. The Commissioner dismissed the claim petition observing that the accident had not taken place within the jurisdiction of the authority and that appellants did not file any documentary proof to prove that they were ordinarily residents within the jurisdiction of authority. The Commissioner also observed that the employer of the deceased has no registered office within the jurisdiction of the authority.
4. Learned counsel for the appellant has drawn the attention of the Court to sub-rule 1 of Rule 22 of Workmen's Compensation Rules 1924 which provides that if it appears to the Commissioner on receiving the application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of presentation and return, the reason for returning it and designation of the Commissioner to whom it should be presented. Sub Rule 2 of Rule 22 further provides that even at any subsequent stage if it appears to the Commissioner that the application should have been presented to another Commissioner, he shall send the application to the said Commissioner empowered to deal with it.
5. Learned counsel submits that in view of Rule 22, the Commissioner had no power to simply reject the plaint on the ground of jurisdiction.
6. After part submissions, learned counsel seeks permission to withdraw the appeal with liberty to file an application for review before the Commissioner.
7. The statement made by learned counsel is taken on record, and the appeal is dismissed as withdrawn with liberty as prayed for.

RAVINDER DUDEJA, J

JANUARY 15, 2025/ib/n