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

% **Date of decision: 21st April, 2025**

+ **FAO 382/2017 & CM APPL. 35763/2017**

SAMSUNG INDIA ELECTRONICS PVT LTDAppellant
Through: **Mr. Achin Goel & Mr. Deepak Jaiswal, Advs.**

versus

RAJURespondent
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

FAO-382/2017 & CM APPL. 35764/2017

1. No one appeared for the respondent when the matter was called.
2. Having heard the learned counsel for the appellant and on perusal of the record, this Court proceeds to decide the instant appeal under Section 30 of the Employees Compensation Act, 1923 [“EC Act”] preferred on behalf of the appellant assailing the judgment-cum-award dated 19.05.2016 passed by the learned Commissioner, Employee’s Compensation, District-West, Delhi [“Commissioner”] whereby the claim petition for the death of deceased workman Deepak has been allowed and respondent no. 1 /claimant has been granted a total compensation of Rs. 7,98,490/- with interest @ 12% per annum from the date of accident i.e. 17.09.2012 till actual payment as per Section 4A of the EC Act. Further, he has been made entitled to funeral charges of Rs. 5,000/-.



3. Suffice to state that the deceased was claimed to be engaged as a Helper and he had died due to electrocution at the premises of the appellant.

4. However, before we proceed on the merits of the matter, it appears that the present appeal is filed after a delay of 530 days. The appellant in the application has submitted that matter was lastly listed before the learned Commissioner on 16.05.2016 and the appellant was given an impression by the Staff that the orders are yet to be passed on the claim petition and might take some time.

5. It is stated that an associate counsel for the main counsel engaged by the appellant kept on making periodical enquiries and it was in the second week of September, 2016 that they were informed that the order was ready. It is stated that the appellant applied for a certified copy of the order on 22.09.2016 but no file/documents were supplied to it. It is then stated that the appellant was shocked and surprised to receive the recovery notice dated 25.04.2017 for a sum of Rs. 7,98,490/- from the Court of the learned Commissioner and then on enquiries, it was found that the impugned order dated 19.05.2016 had been passed.

6. It is stated that the appellant was under *bonafide* impression prior to 25.04.2017 that the case has been closed and the claim of the respondent has been dismissed by the learned Commissioner; and after examining the order and the relevant documents on 25.05.2017 instructions were given to their counsel to prefer an appeal but the same could not be filed due to summer vacations in June-2017 and eventually the appeal was finalized on 31.08.2017, which came to be instituted before this Court for hearing on 27.09.2017.



7. *Ex facie*, the aforesaid grounds espoused by the appellant do not constitute sufficient cause. Evidently, the entire blame is being shifted scandalously upon the office of the learned Commissioner. It is not fathomable that the appellant was not aware of the passing of the impugned order dated 19.05.2016, or in the alternative there were any factors that prevented them from ascertaining the passing of the impugned order.

8. At the same time, assuming for the sake of convenience that the knowledge of passing of the impugned order was acquired on receiving recovery notice on 25.04.2017, even then the appeal was filed belatedly beyond the period of limitation. It is but apparent that the appellant is taking the court for a ride. The appellant has been sleeping over its legal right for a very long time.

9. There are, therefore, no sufficient grounds to condone the delay of 530 days in filing the present appeal. Accordingly, the application bearing CM APPL. No. 35764/2017 is dismissed.

10. Consequently, the present appeal also stands dismissed.

11. The pending application stands disposed of.

DHARMESH SHARMA, J.

APRIL 21, 2025/Sadiq