

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Chaitali Chatterjee (Das)

FMAT 15 of 2023

**M/S. Uttorayan Residency Apartment Owners Association
Vs.
Smt. Sanjana Sarkar & Anr.**

For the appellant : Mr. Milindo Paul, Advocate
Mr. Nabankur Paul, Advocate
Ms. Sutapa Sen Paul, Advocate
Ms. Bedasruti Bose, Advocate
Mr. Subham Das, Advocate
Mr. Bodhisatya Ghosh, Advocate

For the Respondent no.1: Mr. Arnab Sengupta, Advocate (through VC)
Mr. Dhiraj Lakhotia, Advocate
Ms. Madhulika Sharma, Advocate
Ms. Khushi Kundu, Advocate
Mr. Bijan Ghosh, Advocate
Ms. Radhika Agarwal, Advocate

Heard & Judgment on : **January 13, 2026**

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of an Apartment Owners Association.

2. Appeal is directed against an order passed by the Commissioner, Employees' Compensation, exercising jurisdiction under the provisions of the Employees' Compensation Act, 1923.
3. Apart from the grounds of merits particularly with regard to the quantification of the compensation awarded, the appellant canvasses the ground of lack of jurisdiction of the Commissioner to enter into the arena, in the facts and circumstances of the present case.
4. It is submitted on behalf of the respondent no.1 that, since the appellant did not contest the proceedings before the Commissioner, relevant documents with regard to the scope and nature of the work that the respondent no.1 was entrusted by the appellant, on the aspect of jurisdiction of the Commission, could not be produced.
5. In such view, since there is an issue of jurisdiction of the Commissioner to pass the impugned award and particularly in view of the stand taken by the respondent no.1 in this appeal, as noted above, we deem it appropriate to remand Claim Case No.10 of 2021 for fresh consideration.
6. All points raised by the parties are kept open.
7. Appellant is at liberty to file written objection to the claim petition within a fortnight from date.
8. Commissioner is at liberty to proceed with the claim case in accordance with the law a fortnight hence.
9. Commissioner is requested to hear and dispose of the claim case as expeditiously as possible.

10. This direction is passed at the invitation of the respondent no.1 before us.
11. We are informed that the appellant deposited the amount of compensation with the Commissioner.
12. The amount, so deposited, will remain to the credit of the claim case. The Commissioner will invest the same in a fixed deposit account with any nationalized bank of the choice of the Commissioner and renew the same from time to time, if not already done. The amount, so deposited, along with accrued interest will abide by the result of the claim case.
13. **FMAT 15 of 2023** is **disposed of** accordingly without any order as to costs.

(Debangsu Basak, J.)

14. I agree.

(Chaitali Chatterjee (Das), J.)