



CGHC010255822023 2026:CGHC:46816

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1338 of 2023

1 - Raghunandan Yadav S/o Balak Ram Yadav Aged About 57 Years R/o Village Jarve, Post Jarve, Police Station And Tahsil Janjgir, District Janjgir - Champa (C.G.), (Owner Of The Tractor No. Cg-11/DA 6519 And Trolley No. CG11/ZG 2441)

... Appellant(s)

versus

1 - Smt. Parvati Sahu W/o Late Shiromani Sahu Aged About 45 Years Resident Of Village Jarve, Post Jarve, Police Station And Tahsil Janjgir, District Janjgir - Champa (C.G.)

2 - Shivprasad Sahu S/o Late Shiromani Sahu Aged About 16 Years Minor Through Their Natural Guardian Mother Smt. Parvati Sahu, Resident Of Village Jarve, Post Jarve, Police Station And Tahsil Janjgir, District Janjgir - Champa (C.G.)

3 - Branch Manager National Insurance Company Limited, 13 Minu Complex, Main Road, Kosabadi, Korba, District - Korba (C.G.)

... Respondent(s)

For Appellant (s)	**:**	None
For Respondent(s)	**:**	Shri Raj Awasthi, Advocate

({Hon’ble Shri Justice Sachin Singh Rajput})

Order on Board

04/11/2026

This appeal under Section 30 of the Work Compensation Act, 1923 (for short, “the Act of 1923”), has been filed assailing the legality, correctness and judicial

propriety of the judgment dated 03.06.2023 passed by the Commissioner for Workmen's Compensation Act-cum-Labour Court, Janjgir, District Janjgir-Champa (C.G.), in Case No. 12/E.C.A./COC-1-B-2017(F) Claim. By the impugned judgment, the learned Commissioner has partly allowed the application filed under Section 10 of the Act of 1923 and awarded compensation of Rs.644200/- along with interest at the rate of 12% per annum in favour of respondent Nos.1 and 2/claimants. An application seeking exemption from depositing the awarded compensation has also been filed.

2. Despite repeated calls, none appeared on behalf of the appellant.

It is stated in the memo of appeal that no oral or documentary evidence was produced to establish the employment of the deceased at the relevant time. As per the testimony of Rajesh Kashyap (AW-2), the deceased had completed his work at 06:00 PM whereas the accident occurred at 07:30 PM, and therefore, the accident cannot be said to have occurred during the course of employment. It is also stated that the offending vehicle was duly insured on the date of the accident but the Insurance Company was wrongly exonerated from its liability.

3. Perused the memo of appeal and documents on record.

4. As this is an appeal under Section 30 of Act of 1923 the relevant provision is required to be quoted hereinbelow:-

> **30. Appeals.—**(1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely:—
>
> (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;
>
> (aa) an order awarding interest or penalty under Section 4A;
>
> (b) an order refusing to allow redemption of a half-monthly payment;
>
> (c) an order providing for the distribution of compensation among the dependants of a deceased employee, or disallowing any claim of a

person alleging himself to be such dependant;

(d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of Section 12; or

(e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than ten thousand rupees or such higher amount as the Central Government may, by notification in the Official Gazette, specify.

Provided further that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.

Provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.

(2) The period of limitation for an appeal under this section shall be sixty days.

(3) The provisions of Section 5 of the Limitation Act, 1963 (36 of 1963), shall be applicable to appeals under this section.

5. A plain reading of the aforesaid proviso makes it clear that deposit of the amount payable under the impugned order is a mandatory statutory requirement for maintaining an appeal by an employer under Section 30(1)(a) of the Act of 1923. The provision does not confer any discretion upon this Court to dispense with such mandatory requirement merely on the ground of financial hardship pleaded by the appellant.

6. In the present case, the appeal was instituted in the year 2023 and has been adjourned on the last three occasions and the amount awarded by the learned Commissioner has not been deposited till date. In these circumstances, the appellant has failed to satisfy the mandatory statutory condition prescribed under the aforesaid

proviso.

7. Consequently, the application seeking exemption from depositing the amount awarded by the learned Commissioner is dismissed. Since the statutory requirement for maintaining the appeal has not been complied with, the appeal is not maintainable and is accordingly dismissed.

Sd/-

(Sachin Singh Rajput)
Judge

Deepti

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