CGHC010256042023 2026:CGHC:45490

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1341 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. Cg 11/zg/2441)

... Appellant(s)

versus

1 - Smt. Sulochani Kashyap W/o Late Tiharu Ram Kashyap Aged About 34 Years R/o Village Jarve, Post Jarve, Police Station And Tahsil Janjgir, District Janjgir-Champa (C.G.)

2 - Hemlal Kashyap S/o Late Tiharu Ram Kashyap Aged About 16 Years Minor Through Natural Guardian Mother Smt. Sulochani Kashyap, R/o Village Jarve, Post Jarve, Police Station And Tahsil Janjgir, District Janjgir-Champa (C.G.)

3 - Lingewar Kashyap S/o Late Tiharu Ram Kashyap Aged About 13 Years Minor Through Natural Guardian Mother Smt. Sulochani Kashyap, R/o Village Jarve, Post Jarve, Police Station And Tahsil Janjgir, District Janjgir-Champa (C.G.)

4 - Mahesh Kashyap S/o Lachchiram Kashyap Aged About 56 Years R/o Village Jarve, Post Jarve, Police Station And Tahsil Janjgir, District Janjgir-Champa (C.G.)

5 - Smt. Malti Kashyap W/o Maheshram Kashyap Aged About 50 Years R/o Village Jarve, Post Jarve, Police Station And Tahsil Janjgir, District Janjgir-Champa (C.G.)

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

... Respondent(s)

For Appellant(s) : Mr. V. K. Pandey, Advocate

Hon’ble Shri Justice Sachin Singh Rajput

Judgment on Board

28/10/2026

This appeal under Section 30 of the Employees 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 Employees Compensation Act-cum-Labour Court, Janjgir, District Janjgir-Champa (C.G.), in Case No. 10/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. 7,83,560/- along with interest at the rate of 12% per annum in favour of respondent Nos. 1 to 5/claimants. An application seeking exemption from depositing the awarded compensation has also been filed.

2. Learned counsel for the appellant submits that the appellant is a poor rustic villager and is unable to deposit the mandatory amount. He, therefore, prays that the application may be allowed.

3. Heard learned counsel for the appellant and perused the 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:-

> "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."

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. Learned counsel for the appellant, upon instructions, fairly submits that 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

Pawan