



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CIVIL APPLICATION NO. 1541 OF 2026
IN FAST/3428/2026
WITH CIVIL APPLICATION NO. 1542 OF 2026

AAYAN MULTI TRADE LLP SAMSHERPUR TQ AND DIST NANDURBAR
THR. AUTHORIZED OFFICER, PADMAKAR.
VERSUS
SMT. LATABAI MOHAN GADE AND ORS.

.....
Advocate for Applicant : Mr. Khedkar Prashant N.
Advocate for Respondents : Mr. Sushant B Choudhari
.....

CORAM : Y.G. KHOBRADE, J.
DATE : 23.03.2026

PC:-

1. Heard advocate Mr. Khedkar, the learned counsel appearing for the applicant and Mr. Choudhari the learned counsel appearing for the non-applicant no.1/ori. Claimant. The present non-applicant nos.2 to 6 are the original opponent nos. 1 to 5, whereas, the present non-applicants 2 & 3 are employers of deceased employee Shri Santosh Mohan Gade, the son of present non-applicant no.1, hence, no notice is required to be issued to the non-applicant nos. 2 to 6.

2. By the present application, the applicant is seeking condonation of delay of 1047 days caused while lodging the appeal against the judgment

and award dated 17.01.2023 passed in W.C.F.A. No.09/2017 by the learned Commissioner, under the Employee's Compensation Act, whereby the application of the present non-applicant no.1/claimant was partly allowed and the original non-applicant nos.1 to 4/present non-applicants 2 to 6 are directed to pay jointly and severally the compensation of Rs. 8,79,000/- with interest @ 12% per annum from the date of filing of the application till its realization.

3. On face of record it *prima facie* appears that, deceased Santosh s/o Mohan Gade, the son of the claimant was working as a Driver on Tractor for transportation of Sugarcane. On 27.01.2017, said Santosh Mohan Gade was driving the Tractor and met in accident and died on the spot. After obtaining required documents, on 23.03.2017, the non-applicant no.1 instituted the proceeding bearing W.C.F.A. No.09/2017 before the learned Commissioner, under the Employee's Compensation Act and claimed compensation against the present non-applicants 2 to 6. On 17.01.2023, the learned Commissioner under the Employee's Compensation Act passed Judgment and Award in W.C.F.A. No.09.2017 and directed the present non-applicants 2 to 6/ori. Opponents 1 to 4 to pay jointly and severally compensation of Rs. 8,79,000/- with interest @ 12% per annum from the date of filing of the application till its realization.

4. Needless to say that, neither the present non-applicants 2 & 3/employer of the deceased nor the non-applicants 4 to 6 have challenged said Judgment and Award. However, the present applicant, who has purchased the Industrial unit of Astoria Agro and Allied Industries Pvt. Ltd., subsequently and who was not party in W.C.F.A. No.09/2017 before the learned Commissioner has filed present application seeking condonation of delay to challenge the Judgment and Award dated 17.01.2023 passed by the learned Commissioner. Therefore, to my view the present application at the behest of this applicant is not maintainable in eyes of law, hence, it fails on this count alone.

5. On face of record it *prima facie* appears that, the present applicant has purchased the Factory/Industrial Unit of Astoria Agro and Allied Industries Pvt. Ltd. i.e. the original non-applicant nos.1 and 2, the Employer of the deceased under public proclamation on 22.06.2018. Therefore, the present applicant is having no right straightway to challenge the impugned Judgment and Award unless it is challenged through the present non-applicants 2 & 3.

6. It is further submitted that, the present non-applicants 2 & 3/original non-applicant nos.1 and 2 i.e. employer of the deceased Santosh Mohan Gade has not challenged the judgment and award dated 17.01.2023

passed by the learned Commissioner under the Employee's Compensation Act in W.C.F.A. No.09.2017.

7. In the present application, the applicant/establishment who has acquired the Industrial Unit of the original employer contended that the non-applicant no.1/claimant has filed execution proceeding bearing Special R.D. No.17/2023 for execution of judgment and award dated 17.01.2023 passed in W.C.F.A. No.09/2017 and served notice upon it. Thereafter, the applicant has collected relevant documents and after obtaining sanction from the board of directors, present application with appeal was instituted challenging the judgment and award dated 17.01.2023. However, it is submitted that the employer of the deceased/son of the present non-applicant no.1 has not challenged the said judgment and award, so also, the present application is silent about details on what date the applicant establishment came to know about passing of judgment and award dated 17.01.2023. The applicant failed to give satisfactory explanation. Apart from this, there is no compliance of Section 30 of the Employees Compensation Act to show about deposit of compensation. Therefore, the appeal itself cannot be registered.

8. Section 30 of the Employee's Compensation Act provides statutory appeal. The 3rd proviso to Section 30 provides 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. Since the present applicant has not produced the copy of certificate about deposit of compensation issued by the Commissioner under the Employee's Compensation Act, therefore, to my judicious conscience, the appeal cannot be entertained. Nonetheless, the present applicant has no locus to challenge the judgment and award passed by the learned Commissioner under the Employee's Compensation Act. Therefore, the present application is hereby dismissed.

9. Accordingly, First Appeal Stamp No. 3428 of 2026 as well as Civil application Nos. 1541/2026 and 1542/2026 are disposed of.

[Y.G. KHOBRAGADE, J.]