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

+ **W.P.(C) 4644/2019**

M/S CHHATWAL ELECTRICALS THROUGH ITS PROPRIETOR

.....Petitioner

Through: Mr. Pradeep Agarwal, Advocate

versus

SMT. PRAVEEN KAHTOON AND ANR.Respondents

Through: Mr. Vijay Kasana, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.05.2026

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1. The present petition has been filed seeking quashing of the impugned orders dated 26.05.2016, passed by the learned Commissioner, Employees' Compensation, Distt. South West, *Pratap Nagar*, New *Delhi*, in Case No. ECD-05/15/DLC/SWD, whereby the compensation to the tune of Rs. 8,67,640/- along with interest came to be awarded in favour of respondent No.1 herein, as well as the subsequent order dated 20.08.2018, whereby the petitioner's application seeking setting aside of the aforesaid order was dismissed.

2. Briefly stated, respondent No.1, who was the petitioner in the underlying petition, had initially filed a claim petition under the provisions of the Employees' Compensation Act, 1923 (hereinafter referred to as the "Act"), alleging that her deceased husband namely *Usman*, on 21.10.2014,



while carrying out work relating to fitting of an air-conditioner at *Dwarka*, New *Delhi*, had suffered an accident, as a result of which he passed away.

3. In the said claim petition, respondent No.1 had initially impleaded one *Nazir Ahmed* as respondent and alleged that the deceased was working under his employment. During the course of proceedings before the learned Commissioner, respondent No.1 filed an application seeking impleadment of the present petitioner, namely M/s *Chhatwal* Electricals, inter alia, alleging that the deceased was working with the petitioner and had gone for repair/service work under its directions. The petitioner thereafter came to be impleaded as respondent No.2 in the proceedings before the learned Commissioner.

4. Upon consideration of the material placed before it, the learned Commissioner passed the impugned order dated 26.05.2016 holding that the deceased had died during the course of employment with the petitioner and consequently directed payment of compensation. The learned Commissioner, vide subsequent order dated 20.08.2018, dismissed the petitioner's application seeking setting aside of the aforesaid order while observing that the application had been filed belatedly and that no sufficient justification had been furnished for the same.

5. Learned counsel appearing for the petitioner submits that the impugned orders are liable to be set aside as the learned Commissioner proceeded against the petitioner without affording opportunity of hearing and without there being any cogent material on record to establish employer-employee relationship between the petitioner and the deceased. It is further submitted that while initially, the claimant had claimed employment under *Nazir Ahmed*, but later by impleading the petitioner,



claimed employment under it. He further submits that no independent evidence was led to establish either employer-employee relationship or that the accident in question had arisen out of and during the course of employment with the petitioner.

6. *Per contra*, learned counsel appearing for respondent No.1 supports the impugned orders and submits that the learned Commissioner, upon appreciation of the material available on record including the FIR, the application supported by affidavit and other surrounding circumstances, returned findings of fact regarding the employment of the deceased and the accident having occurred during the course of employment. It is submitted that the present petition essentially seeks re-appreciation of evidence, which is impermissible in exercise of Writ jurisdiction.

7. At the outset, it is pertinent to note that the challenge raised by the petitioner essentially pertains to the findings returned by the learned Commissioner regarding the existence of employer-employee relationship between the deceased and the petitioner and the conclusion that the accident in question arose out of and in the course of employment.

8. The scope of interference by this Court in exercise of writ jurisdiction against findings of fact recorded by a statutory authority is extremely limited. It is well settled that a writ of certiorari can be issued only where the authority has acted without jurisdiction or where the impugned findings are wholly perverse and based on no evidence. The Writ court does not sit as an appellate court to re-appreciate evidence or substitute its own view merely because another view may also be possible. Reference in this regard may be made to the decision of the Supreme Court in Syed Yakoob v. K.S.



Radhakrishnan¹.

9. In the present case, the learned Commissioner had before it the claim petition, the FIR relating to the incident, the application supported by affidavit seeking impleadment of the petitioner herein, as well as the surrounding material placed on record during the proceedings. The claimant, being the widow of deceased workman may not have initially stated about the employment under the petitioner but during the pendency of proceedings, had categorically stated that the deceased was in fact, employed with the petitioner. The learned Commissioner also took note of the fact that despite service, the petitioner failed to effectively contest the proceedings before the authority. Whether the said material was sufficient or not for returning findings regarding employer-employee relationship and accident during the course of employment, would clearly fall within the domain of appreciation of evidence by the learned Commissioner and cannot be re-examined in Writ jurisdiction as if this Court was sitting in appeal over the impugned orders.

10. This Court also finds merit in the submission of learned counsel for the respondents that the petitioner seeks a complete re-appreciation of the factual matrix and the inferences drawn by the learned Commissioner from the material available on record. Such an exercise is impermissible in proceedings under Articles 226 and 227 of the Constitution of India.

11. It is further noteworthy that the petitioner also seeks setting aside of the order dated 20.08.2018, whereby its application seeking setting aside of the order dated 26.05.2016 was dismissed. Notably, not only the application was filed after substantial delay, but also that no sufficient explanation had

¹ 1963 SCC OnLine SC 24



been furnished for the delayed approach and further recorded that the petitioner had failed to satisfactorily answer the queries raised during the proceedings or produce the relevant records. The said findings also cannot be said to be either without jurisdiction or so perverse so as to warrant interference by this Court in exercise of supervisory jurisdiction.

12. The contention of the petitioner that the learned Commissioner erred in appreciation of evidence or that the material on record was insufficient to fasten liability upon the petitioner, at best, raises disputed questions of fact.

13. In view of the aforesaid, this Court finds no ground to interfere with the impugned orders dated 26.05.2016 and 20.08.2018.

14. The present writ petition, being devoid of merit, is accordingly dismissed.

MANOJ KUMAR OHRI, J

MAY 4, 2026

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