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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 209/2024, CM APPL. 37758/2024, CM APPL. 35323/2025 and**
CM APPL. 55523/2025
M/S. WYAN INDUSTRIES PVT. LTD.Appellant
Through: Mr.Rishabh Gupta, Mr.Devansh Dua,
Mr.Prabhu Malik and Mr.Kunal S., Advocates
versus
ISHWARI DEVI & ANR.Respondents
Through: Mr.R.K. Nain and Mr.Chadan Prajapati,
Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
ORDER
29.01.2026

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1. The appellant/M/s. Wyan Industries Pvt. Ltd. is aggrieved by the orders dated 19.03.2024 and 23.04.2024 passed by the learned Commissioner under the Employees Compensation Act, 1923.
2. Vide the aforesaid order dated 19.03.2024, the appellant was found liable to pay death compensation of Rs. 9,62,475/-, along with interest @ 12% p.a. w.e.f. 07.06.2022, i.e., the date of death, till its realization, and Rs. 5,000/- towards funeral expenses. Vide the subsequent order dated 23.04.2024, a Show Cause Notice under Section 4(a)(3)(b) of the Employees' Compensation Act, 1923 was issued.
3. Learned counsel for the appellant submits that the deceased was never employed with the present appellant, but was rather employed with one Wyan Auto Industries LLP, which is a separate and distinct entity. In this regard, learned counsel for the appellant also refers to the Registration certificates of both entities placed on record. He further submits that while the appellant is a company having a Board of Directors, the partners of



Wyan Auto Industries LLP are distinct and different persons. He submits that upon receipt of the summons, an application was filed before the learned Commissioner seeking rejection of the claim by contending that the deceased was never employed with the present appellant, however, the same was overlooked by the learned Commissioner. Along with the present appeal, the appellant has also placed on record the appointment letter issued by Wyan Auto Industries LLP to the deceased, as well as the statement of account of the deceased and Wyan Auto Industries LLP.

4. Learned counsel for the respondents, however, contends that the deceased was issued an ID card by the present appellant and maintains that the deceased was an employee of the present appellant.

5. Considering that the impugned order does not record any finding as to whether the deceased was an employee of the present appellant, the matter is remanded back to the learned Commissioner for fresh consideration after giving due opportunity to the present respondents to implead Wyan Auto Industries LLP in the proceedings.

6. Learned counsel for the respondents further, on instructions, submits that he has no objection if the amount deposited by the present appellant in the present proceedings is refunded, along with the interest accrued thereon to the appellant. The appellant shall be at liberty to file its written submissions, along with its documents.

7. Considering the peculiar facts of the present case, the learned Commissioner is requested to dispose of the claim petition expeditiously.

MANOJ KUMAR OHRI, J

JANUARY 29, 2026/na