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

+ **FAO 225/2024 & CM APPL. 40696/2024**

DWARKA DASS AGGARWALAppellant

Through: Mr. Shashank Bajpai and Mr.
Himanshu Chahal, Advocates.

versus

MEHROONISHA & ORS.Respondent

Through: Mr. Mohammad Yusuf, Advocate
(through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

07.01.2026

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1. The present appeal has been preferred under Section 30 of the Employee's Compensation Act, 1923, thereby impugning the order dated 20.03.2024 passed by the learned Commissioner Employee's Compensation, District West, in WC No. EC/D/WD/83/2019/649. Vide the aforesaid decision, the claim application of the respondents herein was allowed, and the appellant herein was directed to deposit the compensation amount within a period of 30 days.

2. Learned counsel for the appellant, while assailing the impugned order, contends that the claimant failed to establish an employer-employee relationship as the claimant did not examine any co-workers in support of this plea. Further, there is stated to be a discrepancy with respect to the place of the incident as, though the appellant is the owner of the premises at NW-188, Vishnu Garden, Khyala, Delhi, the incident is stated to have taken



place at *NW-186, Vishnu Garden, Khyala, Delhi*.

3. The above contentions are opposed by the learned counsel for the respondents, who submits that the deceased died via electrocution due to the high-tension wire proximate to the upper floor and walls of the premises owned by the appellant, and that FIR No. 497/2016 under Sections 285/304A IPC was lodged at P.S. *Khyala* in this regard.

4. A perusal of the record shows that the incident took place on 17.04.2016. The injured was removed to the hospital, where he expired on 20.04.2016. In between, during the police investigation, a statement of the deceased came to be recorded, wherein he divulged that he was employed with the appellant, and that on being asked to go to the terrace against his wishes, the incident in question had happened. In the claim application filed by the widow of the deceased, she claimed that her husband, *Mohd. Hasan*, used to work in factories located in *Khyala* and was employed in the factory of the appellant at *NW-188, Vishnu Garden, Khyala, Delhi*, on a part-time basis. The wall of the factory was proximate to the high-tension electric wire and often, electric current would flow in the walls of the factory. On the date of the incident at about 12.40 pm, the appellant had directed the deceased to go to the upper floor of the factory to switch on the lift/trolley for movement of goods. The deceased had expressed his fear of electrocution due to the high-tension wire passing through; however, on the insistence of the appellant, he went near the window for switching on the trolley button and ended up sustaining a heavy shock due to the high-tension wire, as a result of which his clothes and skin got burnt. He was rushed to *Safdarjung Hospital*, where he succumbed to his injuries on 20.04.2016. Before his death, the deceased had stated in his statement recorded on 18.04.2016 that



the accident had occurred due to the negligence of the appellant. The deceased was stated to be the sole earning member of his family. Vide the claim application, the claimants had asked for compensation as well as penalty.

5. The appellant appeared before the learned Commissioner and denied the employer-employee relationship. He claimed complete ignorance of the incident and objected to the claim on account of it being time barred.

6. The widow of the deceased, besides examining herself, also moved an application for the examination of one *Ravi*; however, despite summons, he did not appear.

7. The claimant also examined SI *Surta Nand*, the Investigating Officer who had investigated FIR No. 497/2016 registered at P.S. *Khyala*. He appeared and deposed that on the said FIR being registered, he conducted the investigation, in which he recorded the statement of the deceased on 18.04.2016. The injured expired on 20.04.2016 and his post-mortem was also conducted. He had recorded the statements of the witnesses and also filed the charge-sheet.

8. As per the investigation conducted, the place of the incident was concluded to be *NW-188, Vishnu Garden, Khyala*, premises belonging to the appellant. SI *Surta Nand* clarified that though initially *Kashi Kumar* (coworker of the deceased who took him to the hospital) in his statement to the doctor had mentioned the place of the incident to be *NW-186, Vishnu Garden*, and the cause of the accident to be an LPG gas cylinder blast, he clarified in his later statement that the place of the incident was *NW-188, Vishnu Garden, Khyala, Delhi*. The charge-sheet filed mentioned that during the investigation, the Electric Inspector, Labour Department, *Karampura*, as



well as the Electricity Department, HVPNL, Sub Station, *Gurgaon*, had inspected the premises and filed the inspection report, and only on the basis thereof did the charge-sheet come to be filed.

9. From the above, it is evident that the incident took place at the premises owned by the appellant. Though he has made a feeble attempt to deny the employer-employee relationship; however, in view of the FIR registered on the statement of the injured and the investigation carried out thereafter, this Court has no hesitation in holding that the deceased was in the employment of the appellant, and that the incident occurred at the premises owned by the appellant. The averments in the claim that the deceased suffered injuries on account of getting electrocuted because of the high-tension wire also find support in the post-mortem report wherein the cause of death has been opined to be septicemic shock as a result of infected electro-thermal burn injuries.

10. This Court is conscious that an appeal under Section 30 of the Employee's Compensation Act, 1923 lies only when a substantial question of law is involved. Consequently, the scope of interference with findings of fact recorded by the learned Commissioner is limited, and the strict provisions of the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872 are not applicable, as held in Om Prakash Batish Vs. Ranjit @ Ranbir Kaur & Ors.¹.

11. In the present case, the findings rendered by the learned Commissioner suffer from no perversity or infirmity discernible in the determination of the employer-employee relationship or in the finding that the accident occurred in the course of employment, so as to warrant



interference by this Court in exercise of its appellate jurisdiction under Section 30 of the Employee's Compensation Act, 1923.

12. Consequently, this Court finds no reason to interfere with the impugned order, and the present appeal is dismissed, being devoid of merits.

MANOJ KUMAR OHRI, J

JANUARY 7, 2026

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¹ (2008) 12 SCC 212.