



Received on	23-12-2022
Registered on	23-12-2022
Decided on	04-07-2026
Duration	YY-MM-DD
	03-06-11

**BEFORE THE EX-OFFICIO COMMISSIONER
FOR WORKMEN'S COMPENSATION AT VALSAD**
[Presided over by Mr. Chaitanya V. Limbachiya, Judge]

Distribution Application No. 27-2022

Exh-17

Applicants : Legal heir of Bhanwar Lal :-
Ugamlal (Father)
Resi. at. Indra Colony, Maanpura,
Banera, Bhilwara, Banera, Rajasthan- 311401

VERSUS

Opponents : 1. Chhotesarkar R. Yadav (Contractor)
% Mahendra Kanjibhai Bhanushali (Employer)
Proprietor of Bhanu Metal Industries
At. Po. Dehali, Dadri Faliya,
Ta. Pardi, Dist.Valsad
2 The New India Assurance Company Ltd.
At. 1 st Floor, Adina Chambers,
Station Road, Tal.Dist.Valsad

Appearance:

For applicant : No appearance

For opponent no.1 & 2 : No appearance

: O R D E R :

1. The deceased employee named Bhanwar Lal was employed by the Opponent No.1. On 18-09-2021, during the course of the employment of the Opponent No.1 at their stone quarry situated at At. Po. Dehali, Dadri Faliya, Dist.Valsad, he met with an accident and succumbed due to injuries received in the said accident. The Opponent No.1 i.e. the employer had taken workmen's compensation policy from the Opponent No. 2 i.e. the insurance company. Therefore, the employer had submitted a claim form before the insurance company for depositing the amount of compensation which was to be paid to the heir and dependent of the deceased employee. On basis of the same the insurance company has deposited the cheque of Rs. 7,23,808/- before the registry of Labour Court, Valsad on 28-11-2022 along with documents such as Form-A signed by the employer, submission of cheque, claim form submitted by the employer, Aadhar Card of deceased Bhanwar Lal, Salary Sheet and Attendance Sheet. Thereafter, Bank of Maharashtra deposited two cheques towards the reversal of TDS amounting to ₹3,854/- and ₹8,215/-. Further, Shri Mahendra Kanjibhai Bhanushali, Proprietor of Bhanu Metal Industries, has filed a pursis at Exh.13 stating that he has no objection if the compensation amount deposited before this Hon'ble Court being disbursed to the applicant as the dependent of the deceased.

2. On clearance of the cheques being submitted by the insurance company & Bank of Maharashtra and the amount of cheque being deposited in P. L. Account of the Labour Court, Valsad, the said amount was deposited in Bank of Maharashtra vide Fixed Deposit Receipt No. 0012752 & no.860511 respectively. Hence, on the basis of the same the present case was registered for adjudication.
3. Then notices were issued to the parties but none remained present. This court has also issued notices to the concerned Tahsildar and Collector/District Magistrate where the applicant was stated to have resided. Despite the same, his presence could not be secured. Thereafter, the matter was pending for securing the presence of the Applicant.
4. It is pertinent to note that the applicant has been stated to have been residing in the state of Rajasthan but did not remain present during the last four years. Therefore, it is not possible to proceed with this case and pass any appropriate order as to the distribution of the deposited amount of compensation lying in the form of fixed deposit.
5. Further if we peruse the case record then the office of employer is situated at Valsad and the accident has occurred at At. Po. Dehali, Dadri Faliya, Dist.Valsad which is within the jurisdiction of this Court but the applicant i.e. the dependent of the deceased employee is residing in the State of Rajasthan. Hence, this Court is satisfied that the present case could be more conveniently dealt with by an Ex-Officio Commissioner under the Employee's

Compensation Act of the State of Rajasthan, wherein the applicant has been ordinarily residing.

6. At this juncture, relevant portion of the provisions of Sec 21 of the Act regarding venue of proceedings and transfer are required to be looked into which is as under:

21. Venue of proceedings and transfer. - (1) Where any matter under this Act is to be done by or before a Commissioner, the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before the Commissioner for the area in which-

(a) the accident took place which resulted in the injury; or

(b) the workman or in case of his death, the dependent claiming the compensation ordinarily resides; or

(c) the employer has his registered office:

(2) If a Commissioner is satisfied that any matter arising out of any proceedings pending before him can be more conveniently dealt with by any other Commissioner, whether in the same State or not, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings:

Provided that the Commissioner shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependents of a lump sum without giving such party an opportunity of being heard.

The above provision makes it clear that the jurisdiction lies with the Commissioner wherein the incident of accident has occurred or where the employee or in case of his death, the dependent claiming compensation ordinarily resides or where the registered office of the employer is situated.

7. In the instant case, the incident occurred within the jurisdiction of the Dist. Valsad and the office of employer was situated in the jurisdiction of this Commissioner and therefore, the amount of compensation was deposited with the registry of the present Court. However, the dependent of the deceased employee ordinarily resides in the District Bhilwara State of Rajasthan. Therefore, the appropriate Ex-Officio Commissioner under the Act of the District Bhilwara State of Rajasthan also possesses jurisdiction for the instant case.
8. Despite ample efforts made to secure the presence of the applicant, the same remains futile. Hence, it can be opined that the present case can be more conveniently dealt with by the Commissioner situated in the State of Rajasthan wherein the applicant ordinarily resides. Therefore, the present case is required to be transferred to the said Commissioner along with all the documents relevant for the disposal of the present case and also to transmit the compensation money invested in the present case as fixed deposit in Bank of Maharashtra vide F.D. No. 0012752 as per as provided in Section 21(2) of the Act and as provided

in the Workmen's Compensation (Transfer of Money) Rules, 1935. In result, the following order is passed in the interest of justice :

:: ORDER ::

- (1) The present Distribution Application No. 27/2022 is to be transferred to the Ex-Officio Commissioner under the Employee's Compensation Act of District: Bhilwara State: Rajasthan for disposal of this case as provided in Section 21(2) of the Act.
- (2) The registry is directed to undertake the procedure of transferring the present case along with all documents relevant for the decision of this case as well as to transmit the compensation money invested in the present case in Bank of Maharashtra vide F.D. No. 0012752 as provided in the Workmen's Compensation (Transfer of Money) Rules, 1935.

Pronounced in open court today on 4th July, 2026.

Place : Valsad

Date : 04-07-2026

[Chaitanya V. Limbachiya]

**Commissioner for Workmen's
Compensation & Judge,
Labour Court, Valsad
Judge Code : GJ01556**