



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 90 of 2025

M/S A.W.X. CACON **versus** MANOJ PATEL

MAC/967/2023

Order Sheet

01/09/2025	Mr. Harsh Vardhan, Adv. for appellants in MAC No. 90/2025 and for respondents in MAC No. 967/2023. Mr. Praveen Kumar Tulsiya, Adv. for appellant in MAC No. 967/2023 and respondents in MAC No. 90/2025. <u>MAC No. 90/2025</u> Heard on I.A. No. 1/2024, application for seeking condonation of delay of 587 days in filing instant MAC. Mr. Harsh Vardhan, learned counsel for the appellants submits that in MAC No. 14/EC Act,2022/Non-fatal, notice issued to aforesaid appellants, were not served, despite that, <i>ex-parte</i> order was passed against them. He further submits that, appellants came to know about passing of impugned order when execution notice was served on them. Therefore, delay has occurred in filing instant appeal, which may be condoned. Per contra, Mr. Tulsiyan, learned counsel for the respondent submits that, the appellants were well aware about passing of impugned judgment on 24-2-2023, as notice was served to them in MAC No. 967/2023 on 27-7-2023. Despite that, they filed instant MAC after lapse of more than one year.

Hence delay may not be condoned or it be condoned by imposing heavy cost on the appellants.

When specific question was posed to learned counsel for the appellants, as to when notice was received by them, he could not apprise the Court.

Though it is settled law that to condone delay in filing an appeal, liberal approach should be adopted by the Court, but without mentioning any appropriate reason, application for condonation of delay has been filed by the appellants. Hence in the interest of justice, I.A. No. 1/2024 is allowed and delay in filing the instant appeal is condoned, subject to appellants' paying cost of Rs. 5,000/- to the respondents, prior to next date of hearing.

Heard on admission.

This appeal is admitted for hearing on following substantial questions of law :-

- 1. Whether the Commissioner erred in law in holding that there is employee and employer relation between claimant and non-applicants ?**
- 2. Whether, the Commissioner committed error of law in passing ex-parte order ?**
- 3. Whether the income of the injured assessed by the Commissioner is on higher side ?**

MAC No. 967/2023

Also heard on I.A. No. 1/2023, application for condonation of delay of 52 days in filing instant appeal.

On due consideration and for the reasons mentioned in the I.A. No. 1/2023, the same is allowed. Delay in filing the instant appeal is condoned in the interest of justice.

This appeal is admitted for hearing on following

Pathak	substantial question of law :- 1. Whether granting interest by the Commissioner at the rate of 6% per annum from the date of application, is perverse and illegal ? 2. Whether, the Commissioner was justified in not awarding any amount towards penalty ? Issue notice to the respondents in both the appeals. Since Mr. Tulsiyan and Mr. Harsh Vardhan accept notice on behalf of their respective respondents, therefore, issuance of notice to them is dispensed with. List both the appeals for final hearing in motion hearing list in the week after next. Sd/- (Naresh Kumar Chandravanshi) JUDGE
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