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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **FAO 279/2024**  
**ORIENTAL INSURANCE CO. LTD.**

.....Appellant  
Through: Mr. R K Tripathi, Advocate.

versus

**RAJ KUMAR & ORS.**

.....Respondent  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**

% **02.09.2024**

**CM APPL. 50295/2024(condonation of delay)**

1. This is an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay in re-filing the present appeal.
2. For the reasons stated in the application, the delay in re-filing the present appeal is condoned.
3. The application stands disposed of.

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1. It happens to be an appeal under Section 30 of Employee's Compensation Act, 1923 (EC Act) whereby the orders dated 03.05.2024 passed by the learned Commissioner, under EC Act has been assailed.
2. According to Insurance Company/Appellant, there was no relationship of employer and employee between the respondents and moreover, the cheque towards the premium had got dishonored and, therefore, there was no existing

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policy in the eye of the law.

3. Copy of the certificate issued by the learned Labour Commissioner has also been annexed showing that a sum of Rs.26,84,896/- has already been deposited.

4. Issue notice to respondents through all permissible modes including dasti, returnable on 19.12.2024. Notice be also issued through counsel.

5. Let the digitized copy of the record be sought from the office of the concerned Commissioner.

**CM APPL. 50294/2024 (stay)**

1. According to learned counsel for the appellant, the 50% of the amount which was deposited in terms of certificate dated 08.07.2024 has already been disbursed to the claimant. He undertakes to place on record a copy, thereof.

2. In case 50% of the above amount is already disbursed, let the balance may not be disbursed to the claimant till the next date of hearing.

**MANOJ JAIN, J**

**SEPTEMBER 2, 2024/sw**