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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 301/2024**

SANJEEV SHARMA

.....Appellant

Through: Mr. Palvinder Singh & Mr. S W
Nomani, Advs.

versus

M/S LONDON-SPRAY GUN CORPORATION.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **24.04.2025**

CM APPL. 55865/2024 (EXMP.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 55866/2024

3. This is an application seeking condonation of delay of 115 days in filing the present appeal.
4. For the reasons stated in the application, the same is allowed.
5. The application stands disposed of.

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6. The appellant/claimant/injured has preferred this appeal under Section 30 of the Employee's Compensation Act, 1923 ('the Act') assailing the impugned judgment cum award dated 12.04.2024, passed by learned Commissioner, Employee's Compensation, whereby his claim petition seeking compensation from the respondent/employer has been dismissed.
7. No one is present for the respondent despite sending advance notice.



8. Learned counsel for the appellant has pointed out that, initially, an award dated 14.06.2023 was passed by the learned Commissioner wherein the respondent had contested the matter and filed the written statement but was proceeded *ex parte*, and eventually, such award was passed holding that the appellant was an employee under the respondent and he was awarded compensation to the tune of ₹3,02,285/- with interest at the rate of 12% per annum with effect from 22.05.2019. Further, a penalty was imposed to the extent of 40% viz. ₹1,20,914/- under Section 4A(3)(b) of the Act.

9. It is also submitted that, however, later on, upon application being moved by the legal heir of the deceased proprietor of the respondent, the *ex parte* award was set aside and eventually, *vide* impugned award dated 12.04.2024, it has been held that there was no existence of any relationship of employer and employee between the parties.

10. The issues raised by the learned counsel for the appellant require a deeper examination.

11. Issue notice to the respondent.

12. Renotify on 09.09.2025.

13. In the meanwhile, the digitized Trial Court Record also be summoned.

DHARMESH SHARMA, J

APRIL 24, 2025

Ch/Es