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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC011071312025
+ **FAO 360/2025, CM APPLs. 82439/2025, 82440/2025, 82441/2025**

BRAHM SINGH & ANRAppellants
Through: **Mr. R.K. Ruhil, Advocate**

versus

SMT . AASHIYA & ORS.Respondents
Through: **Mr. Anshuman Bal, Mr. Abhinav Sharma, Advocates for respondent nos. 1 and 2.**
Mr. Ravi Sabharwal, Advocate for respondent no.3 (M:9971999480).

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
12.08.2026

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1. By way of the present appeal filed under Section 30 (1) (a) of Employees' Compensation Act, 1923, the appellants seek to assail the order dated 13.06.2025 passed by the learned Commissioner under Employees Compensation Act, 1923 (EC Act) in Claim Petition No. CEC/SED/D/31/2022/3022-3028, *vide* which the learned Commissioner allowed the claim application filed by the claimant and, while directing the appellant, who was also the employer, to pay the compensation, saddled him with the liability to pay 25% of the award amount as penalty, amounting to Rs. 2,01,660/-.
2. During the course of hearing, learned counsel appearing for the appellants states, upon instructions, that he is limiting this challenge only to



the payment of the penalty. He submits that, before imposing penalty upon the appellants, no opportunity under Section 4A (3) of the EC Act, 1923 was granted to them to file their response. Furthermore, no fresh/specific opportunity of hearing was afforded before imposition of the 25% penalty. He, thus, prays that the matter be remanded back to the learned Commissioner for fresh consideration on the aforesaid aspect.

3. Mr. *Anshuman Bal*, learned counsel appearing for respondent nos. 1 and 2, states, upon instructions and without prejudice to the rights and contentions of the respondent nos. 1 and 2, that he has no objection to the aforesaid request.

4. A perusal of the impugned order would show that the learned Commissioner had directed both the employer as well as the insurance company to pay the penalty amount at the rate of 25% of the awarded amount each.

5. In view of the aforesaid facts and circumstances, the impugned order is set aside. Fresh show-cause notices would be issued to the appellants as well as the insurance company, and an opportunity would be granted to them to file their respective replies, whereafter the aspect of imposition of costs be considered afresh by the learned Commissioner.

6. Learned counsel appearing for the respondent no. 3 - insurance company states, upon instructions, that the insurance company has not challenged the impugned order and would pay the awarded amount to the claimants within two weeks from today, along with the accrued interest, as indicated in the impugned order. The amount deposited by the appellants towards the penalty before the learned Commissioner shall remain subject to the outcome of the proceedings.



7. The appeal, along with pending applications, is disposed of in above terms.

MANOJ KUMAR OHRI, J

AUGUST 12, 2026/rd