

Serial No. 46
Reg Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(5258/2024) IN FAO(WC) 8/2024
CM(5259/2024)
Caveat 1445/2024

RASH BUILDERS INDIA PRIVATE LIMITED AND ANR.
...APPELLANT (s)

Through: Mr. Z.A. Shah, Sr. Advocate with
Mr. A. Hanan , Advocate.

VERSUS

SADAM HUSSAIN BADAN AND ANR.
Through: Mr. G.N. Shah, Advocate.
...RESPONDENT(s)

CORAM:
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

ORDER
28-02-2025

CM No. 5258/2024

01. By this order, application of appellants seeking Condonation of Delay in filing the appeal against the Award dated 23.01.2024, passed by Respondent No. 2 under the provisions of Employees' Compensation Act is proposed to be disposed of.
02. Heard, and considered.
03. The impugned Award has been passed by the learned Assistant Labour Commissioner, Baramulla on 23.01.2024 whereas the instant appeal has been filed before this Court on 28.08.2024. As per the report of the Registry, there is a delay of (158) days in filing the appeal.
04. In the application, it has been submitted that after the case was closed for orders on 19.12.2023, no further date was fixed for pronouncing the Award

and ultimately the impugned Award was announced on 23.01.2024, but the appellant came to know about the aforesaid Award only on 23.05.2024. It has been further submitted that in fact on 14.06.2024, the appellant received the Demand Notice dated 11.06.2024, from respondent No. 2 calling upon them to deposit the awarded sum within the period of (30) days. It has been further submitted that upon receipt of Demand Notice, the appellant had to arrange funds for deposition of the amount before the Commissioner, but because their accounts were declared Non-Performing Assets by the J&K Bank Limited, it consumed some time in arranging the funds for deposition of the awarded amount and ultimately the appeal came to be filed on 28.01.2024.

05. Respondent No. 2 has contested the instant application by filing in his objections thereto. It has been submitted that the facts mentioned by the appellant in its application are irrelevant. It has been claimed that the appellants were well in knowledge of the impugned award, when the same was announced on 23.01.2024.

06. The fact that no date was fixed for pronouncement of the Award is not in dispute. Therefore, it was not possible for the appellants to come to know about the pronouncement of the award passed by Respondent No. 2. The explanation given by the appellant that they came to know about the passing of the award only when they received the Demand Notice from the Respondent No. 2 appears to be plausible. The appellants have also given the details of the facts which prevented them from filing the appeal even after coming to know about the passing of the impugned award by stating that their accounts had gone

NPA and as such they could not arrange the funds for deposition of the awarded sum.

07. Having regarded to the aforesaid facts, it appears that the appellants have succeeded in showing a sufficient cause for not filing the appeal within the prescribed period of limitation. The application is accordingly allowed and the delay in filing the appeal is condoned

08. Disposed of.

FAO(WC) 8/2024

01. List the main appeal for admission on 24.03.2025.

SRINAGAR
28-02-2025
Showkat Khan

(Sanjay Dhar)
Judge

