



**BEFORE COMMISSIONER EMPLOYEES COMPENSATION
(UNDER EMPLOYEES' COMPENSATION ACT, 1923)
DISTRICT EAST/NORTH-EAST
VISHWAKARMA NAGAR, JHILMIL COLONY,
SHAHDARA, DELHI-110095**

Case No. CEC-D/ED/02/2021/704

Dated: 22.03.2021

In the matter of:-

LR of Mohd. Makhdoom S/o Mohd. Umar
(Legal Heir of deceased)
R/o H.No. 217, Gali No.1, Vishal Megha Mart
Kichiripur, Delhi-110091.

.....Applicant/claimant

VERSUS

Sh. Ajay S/o Late Sh. Ravidernath Parik (Owner)
H.No. 64-D, Pocket-III, Mayur Vihar, Phase-1,
Delhi.

.....Respondent -1

Sh. Rahul S/o Sh. Roop Kumar Jain (Contractor)
R/o 42-E, Pocket-1, Mayur Vihar, Phase-1, Delhi.

.....Respondent-2

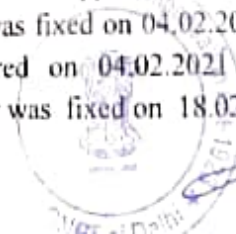
Calls made to the parties thrice at 10.00 A.M., 1.30. P.M. and 3.30 P.M.

None present for claimant

None present for respondent no.1 and 2

PROCEEDING CUM ORDER SHEET

1. An information was received through publication dated 04.01.2021 in newspaper namely "Nav Bharat Times" that a person identified as Mohd. Makhdoom, aged 22 years resident of Rampur, U.P. was doing the electrical work below the balcony (Chhajja) which fell in parts over him and due to this, he got trapped in the debris and was taken out by the help of passersby and sent to L.B.S. hospital where Doctors declared him brought dead. The work of repairing of balcony (Chhajja) was going on at Pocket-3, Mayur Vihar, Phase-1, Delhi under which the deceased Mohd. Makhdoom was working. The Contractor Sh. Rahul Jain and the owner of the house Sh. Ajay Parik were arrested by police. FIR No. 0005 dated 02.01.2021 under section 288/304A/34 of IPC 1860 was registered in P.S. Mayur Vihar, Phase-1, District-East wherein the same details are mentioned as published in the newspaper.
2. That on receipt of the information and after obtaining the copy of FIR No. 0005 dated 02.01.2021 under section 288/304A/34 of IPC 1860 was registered in P.S. Mayur Vihar, Phase-1, District-East, the matter was seized suo-motto under the provisions of Employees Compensation Act, 1923 (hereinafter referred to as an "Act").
3. That Notice dated 13.01.2021 was served on the address of the legal heir of deceased and the Contractor Sh. Rahul Jain and the owner of the house Sh. Ajay Parik as mentioned in FIR for their appearance on 21.01.2021. On 21.01.2021, both the parties appeared and copy of FIR and copy of newspaper publication was given to the Respondents and Sh. Zafar Ali, brother of deceased appeared and stated that he will file proper claim on next date and the matter was fixed on 04.02.2021. Mohd. Umar, father of deceased and Respondents appeared on 04.02.2021 and Respondent requested for time for filing reply and the matter was fixed on 18.02.2021



4. That thereafter, an application dated 05.02.2021 on behalf of Mohd. Umar LR of Mohd. Makhdoom for withdrawal of the present matter along with a settlement deed has been received in this office vide diary No.729/E/DLC dated 8.02.2021 along with photocopy of manager's cheque no. 022977 dated 03.02.2021 drawn on HDFC Bank, Mayur Vihar Phase-1, New Delhi-110091 in favour of Mohd. Umar acknowledging the same under his signature on dated 04.02.2021 and mentioning therein that the matter has been settled between the parties for a sum of Rs. 5,00,000/- and out of which, the Respondents will make the payment of Rs. 2,50,000/- on 04.02.2021 before Commissioner Employee's Compensation and on receipt of the said amount, the LR of the deceased will withdraw the case before Commissioner, Employee's Compensation and after withdrawal of the case from the Commissioner, Employee's Compensation, both the parties will approach to Hon'ble High Court of Delhi for quashing of above said FIR and the Respondents will pay the balance amount to the LR of the deceased at the time of quashing of FIR. Photocopy of Adhaar Card No. 2289-6383-3881 issued to Mohd. Umar and pay order No. 022977 dated 03.02.2021 drawn on HDFC, Mayur Vihar, Phase-1, New Delhi favouring Mohd. Umar is also enclosed along with copy of settlement deed.
5. That, thereafter, none appeared on behalf of LR of deceased on 18.02.2021, so a notice dated 19.02.2021 was sent to LR of deceased for appearing on 01.03.2021 but none appeared on 01.03.2021, therefore, another notice dated 01.03.2021 was sent to both the parties for their appearance on 10.03.2021. The notices issued to the claimant and contractor Sh. Rahul has been returned back with remarks from Postal Department that "Kafi Talash Karne Par Praptikarta Na Milne Par Vapas" and "left" respectively. Again a notice dated 16.03.2021 was sent through speed post but none appeared on behalf of any parties, therefore, the matter is being closed as dismissed.

Given under my hand and seal on 22nd day of March, 2021.





(K.M.SINGH)
Commissioner under
Employee's Compensation Act, 1923