

No. ECI/74/MW/18/168.

-15/11-

Sh. Sanjay Kumar Dass

v/s

Sh. Raj Singh & ors.

Date 31.03.2021

For petitioner Sh. Daksh Nain, Advocate

For Respondent No. 1 - None Present.

For Respondent No. 2 - Sh. Prem Kumar, Advocate.

In this matter an order No. ECI/74/MW/18/168 dt. 01.02.2021 has been passed by this authority in favour of petitioner and against the Respondents.

Respondent No. 1 - Sh. Raj Singh was directed to deposit 50 % penalty amounting to Rs. 4,55,040/- under section 4(A) (3) (b) of the Act and Respondent No. 2 was directed to deposit Rs. 9,10,080/- alongwith 12 % interest including actual treatment expenditure Rs. 1,61,778.98 within 30 days from the date of order by way of demand draft / cheque in favour of Commissioner Employee's Compensation.

After receiving the order Respondent 1 filed an application dated 02.02.2021, supported by affidavit under order 9 rule 13 of CPC to set aside ex-parte order against Resp. No. 1. On the basis of application in person moved by Resp. 1 notice dated 12.03.2021 has been sent to all the respondents. Upon notice counsel for Resp. No. 2 appeared but notice sent to Resp. No. 1 at the address mentioned in order and on the affidavit enclosed with application returned with postal remarks "Tracing No Such Person". Envelope containing notice is in torn condition and the same is stapled.

It appears that Resp. No. 1 after reading the contents of notice is avoiding appearance before this authority today i.e. 31.03.2021 at 10:00 AM which has been fixed on the application of Resp. No. 1. From all this inference can be drawn that Resp. No. 1 has knowledge about the date of hearing today. Furthermore it is the responsibility of the Resp. No. 1 to appear before this authority as his application was to be decided. But respondent no. 1 failed to appear. As such it appears that Resp. No. 1 wants to delay the execution of the order. In view of this, the application moved by Resp. No. 1 is dismissed copy of the order to be sent to the parties and be also uploaded on the website of the Department.

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For P-2

Fulish Nain

