

**BEFORE SH. S.C YADAV, COMMISSIONER**  
(UNDER EMPLOYEES' COMPENSATION ACT, 1923)  
LABOUR DEPARTMENT, GOVT. OF N.C.T. OF DELHI  
5, SHAM NATH MARG, DELHI-110054

No. CEC-I/ED/34/2017/ 445.

Dated: 23/01/2024.

IN THE MATTER OF:

**Sh. Manjhi Sahu S/o Sh. Janak Sahu**  
B-889, Gali No. 1, Pratap Nagar, Sambholi,  
Delhi – 110093

...Applicant/Claimant

V/s

**M/s Mittal Iron Traders**  
**M/s Pooja Steel Works**  
A-30/11-30/12, Mata Mandir Wali Gali No. 1,  
Near Seth Bhagwan School, Maujpur, Delhi - 110053

.....Respondent No.1 & 2

**ORDER**

1. Vide this order, I will dispose of the application dated 31/07/2023 filed by the applicant/claimant for setting aside order dated 01/06/2023.
2. Claimant in the application dated 31/07/2023 reiterated the contents of his claim petition and in the end submitted that on the date of hearing i.e. 01/06/2023 he appeared before this Authority, but his Lawyer Sh. Rohit Jain could not appear before this Authority on the said date and he had no idea that why the case was put for hearing on the said date. That because of the absence of his lawyer the said case was dismissed by this Authority on 01/06/2023. The claimant further requested that in the interest of justice to please open his case, so that he can get justice.
3. In response to the application of the claimant the respondent filed its reply dated 21/09/2023 stating therein that this Hon'ble Authority vide order dated 12/01/2023 made a specific direction to produce documents with regard to his claim of being employed by the respondents and under whose employment he has been working. The same direction was repeated on further dates of hearing i.e. on 15/2/2023, 02/03/2023,



22/03/2023, 02/05/2023 and 01/06/2023. On 01/06/2023 the claimant appeared but did not produce any documents as per repeated directions and consequently the petition was dismissed. And the claimant has now moved an application dated 31/07/2023, the said application is full of mis-statements made by the claimant. In the last respondent opposed the application in question filed by the claimant for recalling the order dated 01/06/2023.

4. Claimant denied the objection taken by the respondent on the ground that on that day his counsel was not present as such he was not able to reply the query raised by the authority as he was not so much educated. Further AR of claimant stated that both the entity belongs to the same employer in present where the claimant was working and met with an accident. On this ground claimant AR prayed that order dated 01/06/2023 be recalled in the interest of natural justice so that matter be decided on merit and both the parties may get the justice.
5. Considering the contents of application and objection of respondent I am of the view that one more opportunity to be granted in this case to the claimant so that he may represent properly his case on merit and it be decided that whether M/s Mittal Iron Traders and M/s Pooja Steel Works belongs to the same proprietor and the claimant met with an accident and is entitled for compensation under the EC Act, 1923. If I allow this application of claimant then respondent will not suffer and matter be decided on merit.
6. In view of this I allow the application in question and set aside order dated 01/06/2023 and matter is restored at its original stage from where this case was closed. Accordingly both the parties are directed to appear before this Authority on **21/02/2024 at 10:30 AM** for further proceedings.
7. Given under my hand and seal of this court on this 23<sup>rd</sup> day of January, 2024.

(S.C. Yadav)  
Commissioner  
Employee's Compensation Act, 1923

