



2026:DHC:6086



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on : 13.07.2026
Pronounced on : 29.07.2026
Uploaded on : 29.07.2026

+ **FAO 94/2020 and CM APPL. 7689/2020**

SATPAL MITTALAppellant

Through: Ms. Meghna Gupta, Advocate

versus

BIMLA & ORSRespondents

Through: Mr. Pankaj Gupta and Ms. Divyanshi
Sharma, Advocates for Respondent
Nos.1 and 2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been preferred assailing the order dated 03.01.2020 passed by the learned Commissioner Employees Compensation in Case No. WCD/85/WD/17.

Vide the said order, the claim application filed by respondent nos. 1 and 2 came to be allowed and the appellant, along with respondent no. 3, was held jointly and severally liable to pay compensation of Rs.9,05,520/- along with interest @ 12% per annum from 23.08.2016 till its realization, funeral expenses of Rs.5,000/-, and a penalty of Rs.90,552/-.

2. Briefly stated, respondent nos. 1 and 2 filed the claim application pleading that their son (hereinafter the “deceased”) was working as a helper with respondent no. 3/*Inder Singh*. It was alleged that on 22.08.2016, the



appellant/*Satpal Mittal* had engaged respondent no. 3 to carry out electrical repairs at his factory and, while carrying out the said work, the deceased got electrocuted and passed away. It was further alleged that the accident had occurred during the course of the deceased's employment, and respondent nos. 1 and 2, as the legal heirs of the deceased, were entitled to compensation under the Employee's Compensation Act, 1923 (hereinafter the "Act").

3. The appellant contested the claim application by filing a written statement wherein he admitted that he had engaged respondent no. 3 to rectify the electrical fault in his factory but denied ever having directly employed the deceased. Accordingly, it was contended that the appellant could not be held liable to pay compensation under the Act, as no employer-employee relationship existed between him and the deceased.

4. The learned Commissioner, upon appreciation of the pleadings and evidence, held that the appellant was the principal employer who had engaged respondent no. 3 as a contractor, whom the deceased was assisting, and therefore, an employer-employee relationship did exist between the appellant and the deceased. It was further held that the accident in question had arisen out of and in the course of the deceased's employment. Consequently, the underlying claim application was allowed. Aggrieved thereby, the appellant has preferred the present appeal.

5. Learned counsel for the appellant, while assailing the impugned order, contends that the findings recorded by the learned Commissioner *qua* the employer-employee relationship between the appellant and the deceased, and the consequent liability fastened upon the appellant, are unsustainable as the appellant had not directly employed the deceased.



6. *Per contra*, learned counsel for respondent nos. 1 and 2 supports the impugned order and submits that the contentions raised on behalf of the appellant have already been considered by the learned Commissioner and were rightly rejected.

7. Notably, no one entered appearance on behalf of respondent no. 3 throughout the proceedings of the present appeal, despite notice being duly served.

8. I have heard the learned counsels appearing for the parties and examined the record.

9. The scope of an appeal under Section 30 of the Act is well settled. The Commissioner is the final authority on questions of fact, and an appeal lies only where the case involves a substantial question of law (Ref: Golla Rajanna & Ors. Vs. Divisional Manager & Anr.¹).

10. The principal contention advanced before this Court remains that only respondent no. 3 had been engaged by the appellant and therefore there exists no employer-employee relationship between the appellant and the deceased. This is precisely the defence which was urged before the learned Commissioner, who rejected it after considering the entirety of the material available on record.

11. Respondent nos. 1 & 2, both in the claim application as well as in their respective evidence by way of affidavits, stated that on the date of the accident, the deceased was working as a helper with respondent no. 3, who had been engaged by the appellant to carry out electrical repair work in his factory. It was their case that while the deceased was pulling electric wires under the instructions of respondent no. 3, he came into contact with a live

¹(2017) 1 SCC 45



naked wire, suffered fatal electrocution and died on the spot. In support of their claim, respondent nos. 1 and 2 placed on record the final police report, FIR No. 327/2016, the post-mortem report, the MLC, as well as the inspection report of the Electrical Inspector. There is no dispute as to the fact that the deceased died on account of electrocution.

12. Notably, the inspection report of the Electrical Inspector dated 18.10.2016 records that the provisions of the Central Electricity Authority Regulations, 2010 were not found to have been complied with by the owner of the premises where the accident occurred, i.e. the appellant.

13. Respondent no. 3, in his cross-examination, deposed that the electrical repair work was being carried out under the supervision and control of the appellant, who remained present at the site along with his son. He further stated that the deceased used to accompany him as a helper while carrying out electrical repair work and categorically admitted that the deceased was working under him on the date of the accident. He also stated that both he and the deceased had gone to the appellant's factory for carrying out the repair work.

14. The appellant himself, in his cross-examination, admitted that the factory where the accident occurred belonged to him and that he was present at the premises when the deceased suffered fatal electrocution. He further admitted that he had engaged respondent no. 3 for carrying out the electrical repair work in the factory and that the deceased had accompanied respondent no. 3 as a helper.

15. The learned Commissioner, in view of the aforesaid pleadings and evidence, and after noting the definition of "employer" under Section 2(e) of the Act and the provisions of Section 12 relating to "contracting", rightly



held that the definition of “employer” under the Act is of wide amplitude. It was observed that even where the services of a workman are engaged through a contractor for carrying out work on behalf of the principal employer, the principal employer would not stand absolved of liability merely because there was no direct contract of employment between him and the workman.

16. The learned Commissioner further relied upon the decision of this Court in Govind Goenka Vs. Dayawanti & Ors.² to hold that even a workman whose employment is of a casual nature or who is employed otherwise than for the purposes of the employer’s trade or business may fall within the ambit of the Act. Reliance was also placed on the said decision to hold that where the services of a workman are engaged through a contractor, the contractor would undoubtedly fall within the definition of “employer” under the Act, but he would remain an agent of the principal employer who had engaged him for the execution of the concerned work. The relevant excerpt from the aforesaid decision is reproduced below:-

“7. As would be seen from the definition of “employer” envisaged under Section 2(e) of the Act, the same is of wide amplitude and would certainly encompass the present appellant who at the relevant time had employed the services of the contractor to carry out the job of repairs and alterations in his shop. The contractor who had taken the services of the deceased workman as a labourer no doubt will also be covered within the definition of employer but qua the appellant he would remain his agent and the appellant would be the principal employer. There is thus no difficulty to arrive at a conclusion that the appellant for all intents and purposes was the principal employer who had engaged the services of an Agent contractor to carry out the said job of the repair work.”

17. The appellant has not been able to point out any error in the reasoning adopted by the learned Commissioner. Once it stood established that

² FAO 81/2010, decided on 21.03.2012.



2026:DHC:6086



respondent no. 3 had been engaged by the appellant for carrying out the work in question and the deceased sustained the fatal accident while assisting respondent no. 3 in the execution of that work, the appellant's liability was rightly examined in light of Sections 2(e) and 12 of the Act.

18. The contentions raised before this Court merely seek to reiterate the defence that has already been considered and rightly rejected by the learned Commissioner. No substantial question of law arises for consideration under Section 30 of the Act. Accordingly, the present appeal is dismissed.

19. The award amount deposited with the learned Commissioner in respect of the present case, along with the interest accrued thereon, if any, be released to respondent nos. 1 and 2.

20. The present appeal, along with the pending application, is disposed of in the above terms.

(MANOJ KUMAR OHRI)
JUDGE

JULY 29, 2026

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