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

% ***Judgment Reserved on: 10.12.2025***
Judgment pronounced on: 16.12.2025

\+ FAO 479/2017, CM APPL. 44567/2017 & CM APPL. 13314/2018

SENSE ACCU TRAS INFRA JUBI ALLIANCE PVT LTD

.....Appellant

Through: Mr. Anuj Aggarwal, Ms. Kritika Matta, Mr. Pradeep Kumar and Ms. Bhumica Kundra, Advocates.

versus

NEELAM RAWAT & ORS

.....Respondent

Through: Mr. Hari Kishan and Mr. Akarsh Sharma, Advocates.

CORAM:
HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. The present appeal under Section 30 of the Employee's Compensation Act ("The EC Act") has been filed by respondent no. 2 in Claim No. CEC-D/WD/10/2015/542, on the file of the Commissioner, Employees' Compensation (District West), Vishwakarma Nagar, Jhilmil Colony, Delhi 110095 assailing the order dated 22.08.2017, whereby respondents one and two have

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been jointly and severally held liable to pay compensation to the claimant and directed them to deposit a sum of ₹ 7,95,083 together with simple interest @ 12 per cent per annum with effect from 23.08.2017.

2. Unless otherwise specifically stated, the parties hereinafter shall be referred to as they are described in the original proceedings.

3. The facts pertaining to the present appeal are as follows: Respondent no. 2 is engaged in the business of transportation, i.e., the carrying and forwarding of goods, and performs these activities exclusively for respondent no. 1, who is the principal employer and on whose behalf respondent no. 2 executes such work on a contractual basis.

3.1. On 15.06.2015 at about 5.00 PM, the deceased, Harinder Singh Rawat, was discharging his duties at the godown of respondent no. 2 situated at Kundli Border, Lakhmi Piau, Janti Road, Kundli, Sonepat, Haryana. He was working under the

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instructions and supervision of Mr. Vinod Sood and Mr. Wilson Chacko, officials of respondent no. 1. While performing his duties, the deceased experienced uneasiness and severe chest pain and he became semi-conscious. It is the case of the claimants that the said condition arose due to the heavy stress of work and the nature of duties including the demand of late-night duty, which posed substantial risk to life.

3.2. Following the incident, the deceased was taken by Mr. Wilson Chacko to Satyawadi Raja Harish Chandra Hospital, Narela, Delhi. However, his condition deteriorated and he was declared dead at 7.45 PM. The claimants thereafter lodged a police complaint on 20.07.2015 with the SHO, P.S. Kundli Border, Delhi.

3.3. The claimants approached both respondents' seeking payment of compensation. But the respondents, instead of making any payment, made false assurances. A notice dated 07.07.2015 demanding compensation was also served upon the respondents. Yet no amount was paid. The claimants, then filed the claim

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seeking a sum of ₹ 10,00,000 as compensation, together with penalty equivalent to fifty percent of the compensation amount and interest @ 12 % per annum from the date of the accident till the date of payment.

3.4. Respondent no. 1, in their written statement, contended that they had engaged respondent no. 2, M/s Sense Accu Trans Infra Jubli Alliances India Pvt. Ltd., as its carrying and forwarding agent and all responsibilities relating to the employment, service conditions, and benefits of the personnel engaged by the agent rest exclusively with latter. Respondent no. 1 therefore denied any master-servant relationship with the deceased and contended that they have been unnecessarily impleaded in the present proceedings. It was also contended that the alleged incident did not occur during working hours nor did it take place within the premises of the godown. Respondent no. 2 therefore asserted that no claim for compensation is maintainable, as the death was the

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result of a natural cause and could not be treated as an accident arising out of or in the course of employment.

3.5. Respondent no. 2, in their written statement, affirmed that an agreement dated 08.01.2014 was executed between respondent no. 1 and respondent no. 2 for a period of three years commencing from 01.01.2014 for carrying and forwarding services at Kundli, Haryana. The deceased, Harinder Singh Rawat, was engaged in January 2014 as an overall in charge of the warehouse, where his duties involved maintenance of stock records and supervision of loading and unloading activities. It was further contended that the nature of work did not involve any stress and the warehouse was situated merely 7 to 8 kilometres from his residence. Respondent no. 2 contended that on 15.06.2015 the deceased suffered a heart attack and died a natural death unconnected with his employment.

3.6. Respondent no. 2 contended that the essentials of Section 3 of the EC Act have not been satisfied, as the claimants

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had failed to establish any causal connection between the death and the employment. It was also contended that the deceased was undergoing treatment for heart ailment prior to the incident and that this material fact had been concealed from the Commissioner. Reliance was placed on the dictum in **Jyothi Ademma v. Plant Engineer, Nellore & Anr., AIR 2006 SC 2830**, to contend that where a workman dies solely due to a pre-existing disease or natural causes without the employment contributing to or accelerating the death, no liability can be ascribed to the employer.

3.7. On completion of pleadings, necessary issues were framed. The parties went to trial on the basis of the aforesaid pleadings. The claimant tendered her evidence by way of affidavit, i.e., Ex. CW1/A in lieu of chief examination, accompanied by documents exhibited as Ex. PW1/1 to Ex. PW1/4. Respondent no. 1 examined Dr. Mukesh Bharti, Medical Officer, as RW1, who produced the document exhibited as Ex. R2W1/A. Respondent no. 2 examined two witnesses, namely, R2W1, Sh. Sushil Kumar Jain

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andR2W1, Sh. Vinod Kumar. R2W1 filed his affidavit in evidence as Ex. R2W1/A and placed on record exhibits Ex. R2W1/1 and R2W1/2. R2W2 tendered his affidavit in evidence as Ex. R2W2/A along with Ex. R2W2/1.

3.8. Upon hearing the parties and perusing the materials on record, the Commissioner found that the claimants had proved their case and hence proceeded to allow the claim.

4. Aggrieved by the aforesaid decision, respondent no. 2 has preferred the present appeal whereby they challenge the decision on the groundsthat the Commissioner failed to appreciate that the claimants had not established any causal connection between the employment and the death, which was a natural one unconnected with the duties of the deceased, whose work was purely supervisory in nature and involved no physical exertion or stress.

5. The learned counsel for respondent no.2 submitted that the medical records from Satyawadi Raja Harish Chandra Hospital demonstrated that the deceased had been experiencing chest pain

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for 2 days prior to the incident, thereby indicating negligence in seeking timely treatment which caused the heart attack, rather than any work-related cause.

5.1. It was further submitted that the claimants lodged a complaint before the Station House Officer, Police Station Kundli Border, Sonepat, District Sonepat, on 20.07.2015, almost one month after the incident on 16.06.2015, which indicates that the claim is a mere afterthought motivated solely by an attempt to unjustly enrich themselves from the respondent.

5.2. It was also submitted that the claimants produced no documentary evidence before the Commissioner to show that the deceased ever suffered stress or strain during employment or to substantiate that the heart attack had any connection with his work, placing reliance on the dictum laid down in **Shakuntala Chandrakant Shreshti v. Prabhakar Maruti Garvali, (2007) 11 SCC 668**.

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6. *Per contra*, the learned counsel for the claimant supported the findings of the Commissioner and adopted the reasoning contained in the impugned decision. Reliance was placed on **Param Pal Singh v. National Insurance Co., (2013) 3 SCC 409**by the learned counsel for the claimant to contend that, having regard to the role of the deceased as a supervisor, the conditions of work and the nature of his employment, including the heavy workload, time-bound demands and repeated night shifts, a causal connection must be inferred between the stress arising out of his employment and the subsequent heart attack that resulted in his death. Therefore, it was argued that the conclusion that no stress arose out of the employment, as contended by Respondent No. 2, or that there was no link between the work-related stress and the subsequent heart attack, is wholly incorrect.

7. Both parties were heard and materials on record were perused.

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8. It is undisputed that the deceased died due to a heart attack, a fact further corroborated by the death certificate marked as Ex. PW1/4, which records the cause of death as cardiac failure due to acute myocardial infarction. A myocardial infarction, commonly referred to as a heart attack, occurs when there is a significant reduction or complete cessation of blood flow to a portion of the heart muscle. Medical science recognises several contributing factors[1], including smoking, hypertension, diabetes mellitus, abdominal obesity and, notably, psychosocial factors such as depression and stress[2].

9. It is the case of the claimants that the heavy workload combined with stringent time bound demands during the month of June caused the deceased to experience substantial stress. Upon examining the records, including the email placed on record and

[1]Yusuf S, Hawken S, Ounpuu S, Dans T, Avezum A, Lanas F, McQueen M, Budaj A, Pais P, Varigos J, Lisheng L; INTERHEART Study Investigators. Effect of potentially modifiable risk factors associated with myocardial infarction in 52 countries (the INTERHEART study): case-control study. Lancet. 2004 Sep 11-17;364(9438):937-52. doi: 10.1016/S0140-6736(04)17018-9. PMID: 15364185.

[2]Chan, Bernard, Thomas Buckley, and Geoffrey H. Tofler. "Emotional stress and physical exertion as triggers of acute myocardial infarction." *The American Journal of Cardiology* 203 (2023): 285-287.

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the attendance details produced as Ex. PW1/1, it is evident that the deceased was working for more than ten hours on almost every working day. The testimony of PW1, the claimant, that her husband was under great stress due to his work has not been discredited. The attendance sheets and the timings rendered therein have not been disputed. Though the respondents have taken up a contention that the deceased was suffering from heart ailments, no materials have been produced to substantiate the same. When the respondents had taken up such a contention, the burden was on them to establish the same. However, they failed in substantiating or establishing the same.

10. Having regard to the materials on record, it must be reasonably inferred that the heart attack suffered by the deceased arose from the stress generated in the course of his employment. The deceased experienced chest pain in the evening after having spent the entire day discharging his duties in the office. This circumstance, taken together with the nature of his work

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responsibilities, reasonably establishes that the deceased was under continuous work-related strain and exertion throughout the day.RW1, the medical officer, in his cross examination admitted that the deceased had elevated blood pressure levels at the relevant time. Such elevated blood pressure is medically recognised as a significant indicator of heightened physical and mental stress[3]. It was not also brought out through RW1 that death occurred due to pre-existing heart ailments. In the absence of any materials to the said effect, it cannot be concluded that the deceased did have any heart ailments even before the date of the incident. These facts, taken cumulatively, satisfy the requirement of a proximate causal link between the employment and the cardiac arrest, thereby bringing the death within the statutory expression arising out of and in the course of employment and attracting liability under Section 3 of the EC Act.

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[3]Kulkarni S, O'Farrell I, Erasi M, Kochar MS. Stress and hypertension. WMJ. 1998 Dec;97(11):34-8. PMID: 9894438.,
Chan et al., "Emotional Stress and Physical Exertion as Triggers of Acute Myocardial Infarction." American Journal of Cardiology, 203, 285-287, URL: https://doi.org/10.1016/j.amjcard.2023.07.085

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11. The contention regarding the alleged delay of nearly one month in lodging a complaint with the police concerning the death of the deceased is also immaterial insofar the said complaint was filed only on the issue of alleged concealment of death and has no relation with the question whether the death arose out of and in the course of employment. The record clearly demonstrates that the claimant had tried reaching out the respondents with regard to the compensation on 07.07.2015, much earlier, than the said police complaint. Therefore, it cannot be inferred that the claim is only an afterthought or with any ulterior motive. It would also be inappropriate and unrealistic to expect a grieving wife to comply with the procedural formalities forthwith in the immediate aftermath of such a tragic event. Nevertheless, the delay in filing the police complaint does not dilute or affect the substantive claim in any manner.

12. In view of the above discussion, this court is of the considered view that the inference drawn by the Commissioner

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regarding the death of the deceased employee having occurred due to an accident arising out of and in the course of employment, and the consequent entitlement of the claimants to receive compensation, suffers from no infirmity. No substantial questions of law arise calling for an interference by this court.

13. Accordingly, the appeal *sans* merit stands dismissed. Applications, if any pending, shall stand closed.

CHANDRASEKHARAN SUDHA
(JUDGE)

DECEMBER 16, 2025

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