



2026:DHC:650



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

% Reserved on : 23.01.2026
Pronounced on : 27.01.2026
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+ **FAO 60/2025, CM APPL. 15192/2025, CM APPL. 20697/2025 & CM APPL. 20698/2025**

THYROCCARE TECHNOLOGIES LIMITEDAppellant

Through: Mr. Ankur Khandelwal and Ms. Kajal Andhiwal, Advocates.

versus

MOHIT & ORS.Respondent

Through: Mr. R.K. Nain and Mr. Chandan Prajapati, Advocates for Respondent No. 1

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been preferred under Section 30(1)(a) of the Employee's Compensation Act, 1923 seeking quashing of the order dated 23.01.2025 in case no. ECI/175/ND/2022/109.

Vide the aforesaid order, the appellant was held liable to pay injury compensation of Rs.20,16,000/- to the claimant along with interest @ 12% per annum with effect from 29.07.2022 till its realisation.

Vide the order dated 12.03.2025, this Court had directed that the



amount lying deposited with the learned Commissioner under the Employee's Compensation Act not be released to the claimant/respondent no. 1.

2. Succinctly, respondent no. 1 filed his claim application for injury compensation under Section 22 of the Employee's Compensation Act, 1923 ("the Act"), claiming that he had met with an accident arising out of and in the course of his employment with the appellant.

3. Learned counsel for the appellant contended that the claimant had failed to establish that there existed an employer-employee relation between the parties; and without prejudice to the above, had also failed to establish that the accident in question had arisen out of and in the course of such employment. Insofar as the first contention is concerned, it is stated that the initial burden was on respondent no. 1, which he failed to discharge, as no documentary evidence proving his employment was placed on record. Only a photocopy of his ID card was filed along with the claim application, which in no way establishes that respondent no. 1 was employed by the appellant.

4. The aforesaid contentions were opposed by the learned counsel for respondent no. 1, who submitted that respondent no. 1 was employed by the appellant and posted at its *Gagan Vihar, Karkardooma* branch as a Technician for collecting samples for tests. Respondent no. 1 had claimed that the appellant, being the principal employer, was rightly held to be liable to pay compensation. Learned counsel further placed reliance on Section 12 of the Act to submit that it is the option of the claimant whether he wishes to proceed against the principal or the immediate employer.



5. Considering the contentions raised, this Court deems it fit to satisfy itself and has accordingly canvassed through the material placed on record. Before proceeding further, this Court would like to state the position of law. Insofar as the scope of interference in an appeal is concerned, the *proviso* to Section 30 of the Act provides that no appeal would lie against the order of a Commissioner under the Act unless it involves a substantial question of law. It is further deemed apposite to highlight the following observations from *Golla Rajanna & Anr. Vs. Divisional Manager & Anr.*¹:

“10. Under the scheme of the Act, the Workmen's Compensation Commissioner is the last authority on facts. Parliament has thought it fit to restrict the scope of the appeal only to substantial questions of law, being a welfare legislation. Unfortunately, the High Court has missed this crucial question of limited jurisdiction and has ventured to reappraise the evidence and recorded its own findings on percentage of disability for which also there is no basis. The whole exercise made by the High Court is not within the competence of the High Court under Section 30 of the Act.”

6. Coming to the first contention that the employer-employee relationship between the parties was not established. In this regard, respondent no. 1, besides making the necessary averments in the claim application, also filed his evidence by way of affidavit along with other documents, including a copy of FIR No. 717 of 2022 dated 29.07.2022 registered at P.S. *Jhangirpuri*, as well as a copy of the ID card issued to him by the appellant. In his affidavit, he stated that on 29.07.2022, being employed with the appellant, he was deputed to collect samples and deliver the same to the *Kirti Nagar* Centre of the company. He had collected

¹ (2017) 1 SCC 45



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samples from the *Karkardooma* Centre and was going towards *Pitampura*, but when he reached near the *Mukundpur* flyover, it had started raining, and he stopped on the side of the road under a flyover for shelter. At that time, a bus bearing no. DL-1PD-3703 suddenly came at a high speed and hit him and the other bikers taking shelter, as a result of which he sustained grievous injuries. He was admitted to GTB Hospital, where he was operated upon, and his treatment was stated to be ongoing. He claimed himself to be 21 years old, and his last earned wages were stated to be Rs.16,000/- per month, alongwith all allowances.

In cross-examination, he stated that he had given his interview to *Amitesh Goel*; however, his ID card had been issued by the appellant. He claimed that his original ID card was lost at the time of the accident and that only a photocopy had been placed on record. In further cross examination, he reiterated that at the time of appointment, no joining letter was issued nor was any contract signed. He further stated that his attendance used to be marked online. He further stated that at the time of the accident, the bag containing all his documents was also lost. He further stated that he was working with *Amitesh Goel*, who was employed by the appellant. He denied the suggestion that he was not employed with the appellant but with *Amitesh Goel*.

7. The appellant had examined one *Mohd. Shadab Alam*, AR and General Manager of the Legal department. He denied that the respondent was their employee. In cross-examination, however, he admitted that respondent no. 1's ID Card was printed from the website *www.carbi.com*,



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after verification of uploaded documents on the said website. The access to this facility was given only to their franchises. He admitted that the address mentioned on the photocopy of the ID card was of the appellant. In further cross-examination, he admitted that there were more than one thousand collection centres and that the company was providing home collection services through their technicians. The collection centres transported blood samples from their collection centres through their own delivery boys/technicians. The *www.carbi.com* website was owned by the appellant and records of *www.carbi.com* were kept for only 90 days. He further admitted that access to *www.carbi.com* was available to the main incharge of the collection centres.

8. The main plank of the appeal, i.e. the first contention, is that the copy of the ID Card placed on record does not itself establish an employer-employee relationship. It is noteworthy that the evidence on record shows that the appellant admitted that the details of the employees of collection centres were entered on the website (*www.carbi.com*) by the collection centres and not by the appellant. It has not been denied that the photocopy of the ID card does not belong to the appellant. It has also not been claimed that the copy of the ID card is a forged or fabricated document. It is also pertinent to note that though initially respondent no. 1 had moved an application to implead *Amitesh Goel* before the learned Commissioner, the said application was opposed by the appellant itself.

9. Though learned counsel for the appellant has relied upon the decision rendered by the Co-ordinate Bench of this Court in *M/s Indraprastha Gas*



Limited Vs. Ambrish Kumar², a perusal of the same shows that in the said case, the authenticity of the document was categorically denied by the management.

10. The appellant had placed a list of employees (Ex. RW-1) before the learned Commissioner; however, the said list pertained only to direct employees and not to those who were employed through collection centres. It has also come on record that the data on the *www.carbi.com* website is maintained only for a period of 90 days.

11. Thus, in the considered opinion of this Court, the finding rendered by the learned Commissioner *qua* the aforesaid contention requires no interference.

12. Now, coming to the second contention that the incident did not occur during the course of employment. It is apt to take note that respondent no. 1 has claimed that he was on duty collecting samples when he met with the accident. Thus, even the second contention fails.

13. Bearing in mind the limited scope of interference insofar as appeals against the orders of a Commissioner under the Act are concerned, this Court does not find the present matter to be a fit case for interference. Though much has been said about the claimant not placing on record any appointment letter or proof of salary being paid, this Court is not oblivious to the fact that in many such cases, the employees are not issued appointment letters by the management in order to evade responsibility.

14. At this stage, this Court also takes note of the decision by the

² 2025 SCC OnLine Del 8896



Coordinate Bench of this Court in *Shri Krishan Vs. Jasoda Devi & Ors.*³, wherein it was clarified that Section 12 of the Employee's Compensation Act, 1923 is a welfare provision designed to prevent principal employers from evading liability by delegating work to contractors. The Court held that the terms "trade" or "business" must be interpreted broadly to include any task or undertaking that engages time and labour, rather than being restricted to commercial profit-making. Consequently, Section 12 is an enabling provision that creates a "deemed employer-employee relationship" and allows a claimant to seek compensation from the immediate employer as well as principal employer who had employed such immediate employer, ensuring a speedy remedy and protecting the employee from the financial instability of intermediary contractors.

15. Considering all the above, the present appeal is dismissed.

16. The amount lying deposited with the learned Commissioner under the Act be released to respondent no. 1 along with accrued interest within a period of one week from today.

17. The present appeal is disposed of in the above terms along with all pending applications.

**MANOJ KUMAR OHRI
(JUDGE)**

JANUARY 27, 2026

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³ 2017 SCC OnLine Del 11137