

# **M/S Mehra Shoe Company Through Its ... vs State Of U.P. And Another on 1 May, 2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68707

Court No. - 33

Case :- WRIT - C No. - 13433 of 2025

Petitioner :- M/S Mehra Shoe Company Through Its Director Puneet Mehra

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Shravan Kumar Pandey, Shyam Narain Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard learned counsel for the parties.
2. This writ petition has been filed challenging an award dated 19.02.2025 passed by the Employees Compensation Commissioner under the provisions of Employees Compensation Act, 1923.
3. Learned counsel for the petitioner submits that earlier the matter had proceeded ex-parte and when the petitioner filed an application seeking recall of the order proceeding ex-parte, the application was rejected on 18.04.2024 and, then, the impugned award has been passed without considering the defence of the petitioner.
4. Learned Standing Counsel submits that the recall application was rejected on 18.04.2024, however, the said order was not challenged and, even otherwise, the writ petition against the award passed by the Commissioner is not maintainable in view of statutory remedy of appeal under

Section 30 of the Act.

5. Considering the submissions made, I find that the order dated 18.04.2024 rejecting the restoration application became final, whereafter the matter had again proceeded ex-parte before the Commissioner, who has finally passed an award on 19.02.2025.

6. Against the said award, the statutory appeal lies under Section 30 of the Act, subject to satisfaction of the conditions mentioned in the proviso attached to the same.

7. In view of the above, the instant writ petition is held to be not maintainable as the Court does not find any good ground to by-pass remedy of appeal.

8. At this Stage, learned counsel for the petitioner submits that the limitation of filing appeal under Section 30 is 60 days, which has expired.

9. Be that as it may, this Court is of the view that in view of sub-section (3) of Section 30 of the Act, the provisions of Section 5 of the Limitation Act have been made applicable to the appeal and without commenting upon the computation of period of limitation which may be available or not available to the petitioner as per law, this petition is disposed of as not maintainable with liberty to the petitioner to file appeal under Section 30 of the Act along with appropriate application, if so advised.

Order Date :- 1.5.2025 AKShukla/-