

**HIGH COURT OF TRIPURA
AGARTALA
MFA(EC) 08 OF 2025**

The Branch Manager,
Oriental Insurance Company Ltd.,
Of Rajbari, P.S.- Dharmanagar,
North Tripura.

(Insurer of the vehicle bearing Registration Number TR-02B-1819)

.....Appellant

VERSUS

1. Sri Pradip Debnath,
S/o.- Lt. Prahlad Chandra Debnath,
Of Village-Algapur, P.S.- Dharmanagar,
Dist- North Tripura.

.....Claimant- Respondent

2. Sri Pradyumna Debnath@ Babul,
S/o- Lt. Prasanna Debnath,
Of Village-Algapur, P.S.-Dharmanagar,
Dist- North Tripura.

(Owner of the vehicle bearing Registration No.TR-02B-1819)

.....Respondents

For Appellant(s) : Mr. Karnajit De, Advocate.

For Respondent(s) : Mr. Sankar Bhattacharjee, Advocate.
Mr. S. Noatia, Advocate.
Ms. Jeley Debbarma, Advocate.
Ms. Kajal Kalai, Advocate.

Date of hearing and delivery
of judgment and order : 13.03.2026.

Whether fit for reporting : YES/NO.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

JUDGMENT & ORDER (ORAL)

1. This present appeal has been filed against the judgment and award dated 20.03.2024 passed by the Learned Commissioner, Employees' Compensation, North Tripura, Dharmanagar in Case No. TS (EC) 03 of 2018, whereby compensation amounting to Rs. 18,60,470/- was awarded in favour of the claimant.

2. The brief facts leading to the filing of the present appeal are that on 27.04.2011, the claimant respondent, who was working as a driver of vehicle bearing No. TR-02B-1819 (Oil Tanker), was proceeding from Guwahati towards Dharmanagar carrying diesel. At about 4:50 A.M., when the vehicle reached near Umakiang P.S. under the State of Meghalaya, the oil tanker allegedly skidded from the road and fell into a gorge of about 25 to 30 feet, as a result of which the claimant sustained grievous injuries. Immediately after the accident, the claimant was taken to Umakiang OPD for treatment and thereafter was referred to Silchar Medical College and Hospital considering the seriousness of the injuries. The claimant thereafter underwent medical treatment in different hospitals. Subsequently, the claimant filed a claim petition before the Commissioner, Employees' Compensation, North Tripura, Dharmanagar claiming compensation for the injuries sustained in the accident which occurred during the course of his employment.

3. The owner of the vehicle appeared and contested the case by filing written statement. It was contended that the accident occurred due to negligence of the driver and that he was allegedly driving the vehicle in a drunken condition. The present appellant, Oriental Insurance Company Ltd., also contested the claim by filing written statement denying the liability and contending that the claimant was required to establish the claim in strict compliance with the terms and conditions of the insurance policy.

4. After hearing both parties, the learned Commissioner framed the necessary issues regarding, occurrence of the accident, existence of employer-

employee relationship, injuries sustained by the claimant and entitlement of compensation and liability.

5. After considering the evidence on record, the learned Commissioner passed the judgment and award dated 20.03.2024 awarding compensation amounting to Rs. 18,60,470/- in favour of the claimant.

6. Being aggrieved by the said judgment and award, the present appeal has been preferred by the appellant here-in seeking the following reliefs:-

“(1) Admit the Appeal;

(2) Call for the case records from the Learned

Tribunal Below;

(3) Stay the operation of the impugned judgment and Award dated 20.03.2024 passed by the Learned Commissioner, Employee's Compensation, North Tripura, Dharmanagar in case No. TS (EC) 03 of 2018;

(4) After hearing the parties be pleased enough to set aside/quash and modify the impugned judgement and award dated 20.03.2024 passed by the Learned Commissioner, Employee's Compensation, North Tripura, Dharmanagar in case No. TS (EC) 03 of 2018.

AND

Pass such other order or orders as the Hon'ble High Court may seem fit and proper.”

7. Heard Mr. K. De, learned counsel appearing for the appellant as well as Mr. S. Bhattacharjee, learned counsel appearing for the respondents.

8. Mr. De, learned counsel appearing for the appellant, submits that the claim petition filed before the learned Commissioner suffers from procedural defects. It is contended that the accident occurred on 27.04.2011, whereas the claim petition before the learned Commissioner was filed on 05.05.2018, i.e., after a lapse of about seven years from the date of the accident. It is further submitted that the notice under Section 10 of the Employees' Compensation Act was issued on 20.04.2017, which was not within the prescribed period, and the claim petition was also not filed within the statutory period of two years. As such, according to the appellant, there is a violation of the statutory provisions in entertaining the claim petition. It is also argued that the interest awarded at the rate of 12% per annum is on the higher side and is liable to be reduced.

To support his argument, learned counsel relied upon para-6 of the Hon'ble Supreme Court Judgment reported in **2025 Supreme(SC) 171** titled as

Umesh Chandra Routray Vs. The Legal Manager, M/S IFFCO-TOKIO General Insurance Company Ltd and anr., bearing registration No.Civil Appeal No.992 of 2025 dated 22.01.2025. The same is produced here-in-under:-

“6. As the High Court had set aside the order passed by the Commissioner, only on the ground of the claim having been filed beyond the period of limitation, we are of the view that the issue as to whether the delayed filing can be condoned, is an aspect, which needs to be considered by the Commissioner by affording opportunity to the claimant. With the conclusion that was reached by the High Court, the matter should have been remanded back to the original forum instead of setting aside the Award, on the ground of limitation.”

9. Per contra, Mr. Sankar Bhattacharjee, learned counsel appearing for the claimant-respondent, submits that the learned Commissioner, upon proper appreciation of the evidence on record, has rightly passed the impugned judgment and award. It is further submitted that the compensation has been assessed strictly in accordance with the provisions of the Employees' Compensation Act, 1923. Learned counsel also contends that the prayer for condonation of delay was duly incorporated in the application for compensation itself in Column No. 20. With regard to the contention on interest, it is submitted that the award of interest at the rate of 12% per annum is in consonance with Section 4-A of the Employees' Compensation Act. Accordingly, it is urged that the impugned judgment and award do not call for any interference by this Court.

10. I have heard the learned counsel for the parties and perused the materials available on record. It appears that the learned Commissioner, upon consideration of the evidence adduced, arrived at a finding that the claimant sustained injuries in an accident arising out of in the course of his employment as a driver of the said vehicle. The learned Commissioner has also assessed the compensation in accordance with the provisions of the Employees' Compensation Act, 1923. So far as the objection raised by the appellant regarding delay in filing the claim petition is concerned, it is submitted by the learned counsel for the claimant-respondent that a prayer for condonation of delay was incorporated in the claim application itself. It appears that the learned Commissioner, having entertained the claim petition, proceeded to adjudicate the same on merits and as such the same is settled. As per the contention regarding interest is concerned, Section 4-A of the Act provides for payment of simple interest at the rate of 12% per annum or at such

higher rate as may be specified. In the present case, the interest has been awarded at the statutory rate of 12%, and therefore this Court does not find any reason to interfere with the same. Accordingly, the judgment and award, including the direction for payment of interest, remain undisturbed.

11. In all fairness, Mr. S. Bhattacharjee, learned counsel appearing for the claimant-respondent, submits before this Court that in terms of the award passed by the learned Commissioner under the Employees' Compensation Act, the awarded amount has already been deposited by the appellant before the concerned authority and the same has also been released in favour of the claimant. It is further submitted that there remains no further amount to be deposited or received by the parties. Recording the said submission, this Court finds no reason to interfere with the impugned award. Further, in view of the above discussion, the Judgment as cited by the appellant counsel is not applicable to the fact of this case.

12. In view of the above discussion and considering the materials on record, this Court does not find any infirmity in the judgment and award dated 20.03.2024 passed by the learned Commissioner, Employees' Compensation, North Tripura, Dharmanagar in Case No. TS (EC) 03 of 2018.

13. Accordingly, the appeal stands dismissed and the judgment and award passed by the learned Commissioner is hereby confirmed. As a sequel, stay if any stands vacated. Pending application if any also stands closed.

DR. T. AMARNATH GOUD, J