



CGHC010345052026



2026:CGHC:42732

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1998 of 2026**

Smt. Ashmati Bai W/o Late Budhram Nag, Aged About 45 Years, R/o Village Rautpara, Korpai, Thana Parpa, District Bastar (C.G.) (Claimant)

... Appellant**versus**

1 - Ashish Kumar Kullu, S/o Anil Kullu, Proprietor, Anil Electricals And Sanitary Goods Stores, Ran Sargipal, Badepara, Police Station- Parpa, District Bastar (C.G.) (Owner Of Company)

2 - The United India Insurance Company Limited, Through Its Branch Manager, Branch Office Near Anupma Talkies, Jagdalpur, District Bastar (C.G.) (Insurance Company)

3 - M/s Anil E S G S (J.V.), Anil Electricals And Sanitary Goods Store, Main Road, Siddipet, District Medak, Telangana -502103 (Company)

... Respondents

For Appellant : Shri Gajendra Prakash Sahu, Advocate.

For Respondent No.2 : Shri Dashrath Gupta, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput**Judgment on Board****01/10/2026**

1. This appeal filed under Section 30 of the Employees Compensation Act, 1923 (for short, '*the Act, 1923*') has been filed by the appellant/claimant being aggrieved by the impugned order dated 27/06/2026, passed by the Commissioner for Employees Compensation Labour Court, Jagdalpur, District Bastar (C.G) in case No. C.C. No.28/2018/E.C. Act/(Fatal). By the impugned order, while allowing an application under Section 10 of the Act,

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1923, the learned Commissioner has awarded compensation of Rs.6,77,760/-.

2. Learned counsel for the appellant submits that initially the learned Commissioner on 29/01/2020 passed an award awarding the same compensation with interest and the employer/respondent No.1 as also imposed penalty of the tune of 50% against the employer. Challenging the same, the respondent No.2/Insurance Company had filed an appeal before this Court, which was registered as MAC No. 861/2020. This Court vide its order dated 30/09/2021 admitted the appeal and interim order was passed directing that the 50% of the amount shall be disbursed to the claimant, the disbursement of the remaining 50% amount to remain stayed. Thereafter vide order dated 03/09/2025, the appeal filed by the respondent No.2/Insurance Company was allowed and directed that the respondent No.2/Insurance Company should be impleaded as a necessary party and thereafter decide the application on merits. The learned Commissioner again vide its impugned order decided the same and awarded the above stated compensation, however observed that vide order dated 30/09/2021 this Court has stayed the payment of 50% amount to the claimant, the remaining amount has not been paid despite 50% as awarded has already been received by the appellant. Thus, he submits that the impugned order may be modified to extent that the appellant is also entitled to remaining amount of 50% deposited by the Insurance Company.
3. Learned counsel for the respondent No.2/Insurance Company submits that though against the impugned order, the respondent No.2/Insurance Company has not filed any appeal, since compensation has been awarded, appropriate direction may be issued to the learned Commissioner for proper investment of the deposited amount.

4. This appeal was admitted by this Court on 18/09/2026 on the following substantial question of law :-

“As to whether the finding recorded by the learned Commissioner denying payment of 50% amount of compensation which has already been deposited by respondent No.2 before it in the earlier round of litigation at the strength of an order passed by this Court on 30.09.2021 in MAC No.861/2020 is perverse to record, particularly, when the MAC No.861/2020 has already been disposed of by this Court remanding the matter to the learned Commissioner for disposal be resulted into the passing of the impugned award?”

5. Heard the learned counsel for the parties and also perused the record.
6. From perusal of the record would indicate that initially an application was filed by the appellant/claimant for seeking compensation before the learned claims Tribunal and vide order dated 27/06/2026 awarded compensation of Rs. 6,77,760/-. It appears that the respondent No.2/Insurance company was not arrayed as respondent in the first round of litigation, thus an appeal was preferred before this Court. In order to file an appeal under Section 30 of the Act, 1923, the amount of compensation awarded by the Commissioner is required to be deposited as a mandatory condition. Thus, it appears that the Insurance Company has already deposited the entire amount of compensation awarded in the first round of litigation. While admitting the appeal, this Court permitted the appellant/claimant to receive 50% of the deposited amount, however 50% amount was required to be remained in deposit. Thereafter the appeal filed by the respondent No.2/Insurance Company was partly allowed and matter was remitted back for fresh adjudication after impleading the respondent No.2/Insurance Company. Again vide impugned order, the compensation so awarded earlier was maintained, however, as the interim order was passed in the appeal filed by

the Insurance Company, the learned Commissioner did not disbursed the remaining 50% of the amount to the claimant.

7. From perusal of the record it is apparent that the appeal filed by the respondent No.2/Insurance Company was partly allowed, thus the impugned order merges with the final order. Thus, this Court is of the view that there is no legal impediment in disbursing the remaining amount of 50% already deposited by the Insurance Company to the claimant. Thus the substantial question of law is answered in an affirmative in favour of the appellant/claimant. This Court is conscious of the fact that the compensation has been awarded in favour of the appellant/claimant. Thus, it is ordered that the learned Commissioner shall pass an appropriate order with regard to disbursement, investment of the remaining amount of compensation deposited with it. Looking to the interest of the appellant/claimant with this observation and direction, this appeal stands allowed as indicated above. Rest of the conditions of the award to remain intact.

Sd/-

(Sachin Singh Rajput)
JUDGE