

**THE HIGH COURT OF TRIPURA
AGARTALA**

CRP No.20 of 2009

Tripura State Electricity Corporation Ltd.,
Represented by its Chairman-cum-Managing Director,
Bidyut Bhavan, Banamalipur,
Agartala, West Tripura

.....**Petitioner**

- Vs -

Mr. Babru Mian,
son of late Siraj Ali,
Resident of Village – Arabinda Nagar,
P.O. Bishalgarh,
District - West Tripura

.....**Respondent**

**B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA**

For the petitioner	: Mr. D. C. Nath, Advocate
For the respondent	: Ms. P. Dhar, Advocate
Date of hearing and delivery of Judgment and order	: 21.01.2015
Whether fit for reporting	: NO

Judgment and Order (Oral)

Heard Mr. D. C. Nath, learned counsel appearing for the petitioner as well as Ms. P. Dhar, learned counsel appearing for the respondent.

02. By this petition filed under Article 227 of the Constitution of India the petitioner, Tripura State Electricity Corporation Ltd. has challenged the judgment and order dated 27.03.2009 passed by the Commissioner, Workmen's Compensation, West Tripura in Civil Misc.

No.294 of 2008 which was a petition for review of the judgment and award dated 25.06.2008 delivered in TS (WC) No.10 of 2006.

03. By the said petition for review, the petitioner herein sought that the payment of the interest as directed by the Commissioner for Workmen's Compensation, West Tripura from the date after one month from the date of the accident is required to be revisited and corrected. By the impugned order such prayer has been rejected. For the same reason the order dated 27.03.2009 of the Commissioner for Workmen's Compensation, West Tripura passed in the said review petition has been challenged herein.

04. This question is no more res integra. The apex court in the ***Oriental Insurance Company Limited v. Siby George and others*** reported in **(2012)12 SCC 540** has held that in ***National Insurance Co. Ltd. v. Mubasir Ahmed*** reported in **(2007) 2 SCC 349** and ***Oriental Insurance Co. Ltd. v. Mohd. Nasir*** reported in **(2009)6 SCC280** the apex court took a contrary view to its earlier decision in ***Pratap Narain Singh Deo v. Srinivas Sabata*** reported in **(1976)1SCC289**. Those decisions do not enunciate the correct position of law and do not make binding precedent.

05. In ***Oriental Insurance Company Limited vs. Siby George*** it has been further declared that the interest should entail after one month from the day of accident @ 12%. Further, the apex court, in ***Saberabibi Yakubhai Shaikh & Ors. v. National Insurance Co. Ltd. & Ors.*** reported in **2014 ACJ(SC)467**, as relied by Ms. P. Dhar, learned counsel, reiterated the proposition of

law as enunciated in ***Oriental Insurance Company Ltd. vs. Siby George.***

Hence, this petition is bereft of merit.

Accordingly, this petition stands dismissed. However, there shall be no order as to costs.

JUDGE

MB