

THE HIGH COURT OF TRIPURA
AGARTALA

CONT.CAS(C) 32 OF 2015

Smt. Rekha Paul,
W/O. Late Arun Kanti Paul,
Residence of Town Bardowali,
P.S. West Agartala, Dist. West Tripura.

.... **Petitioner.**

- Vrs -

- 1. Dr. A.K. Saxena**
Chairman-Cum-Managing Director,
The Oriental Insurance Company Limited,
Head Office, Oriental House,
A.25/27, Asaf Ali Road,
New Delhi-110002.
- 2. Mr. Prabodh Chandra Hota, DGM I/C**
Regional Office, Bangalore,
The Oriental Insurance Company Limited,
1st Floor & 4th Floor, Leo Shopping Complex,
44/45 Residency Road Cross,
Bangalore-560025.
- 3. Mr. A. K. Gorlosa,**
CRM, Regional Office Guwahati,
The Oriental Insurance Company Limited,
G. S. Road, Ulubari, Guwahati,
Pin- 781007.
- 4. Mr. D. K. Das.**
Divisional Manager,
The Oriental Insurance Company Limited,
Central Road, Agartala, Dist. West Tripura.

... **Opposite Parties.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the Petitioner	: Mr. S. K. Dutta, Advocate.
For the respondents	: Mr. K. Bhattacharjee, Advocate.
Date of hearing & Delivery of judgment and order.	: 30.06.2015.
Whether fit for Reporting	: NO

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, C.J.)

By means of this contempt petition, the petitioner has prayed that action be taken against the contemnors for violating the judgment of this Court passed in WP(C) 137 of 2013.

2. Briefly stated, the undisputed facts are that an award was passed in favour of the petitioner which award has attained finality up to the Supreme Court. The insurance company deposited the amount but deducted tax at source on the interest paid by it. It is contended by the petitioner that this action of the Bank is in violation of the judgment delivered by this Court in WP(C) 137 of 2013 wherein this Court had clearly given directions in this regard which read as follows:-

“In view of the above, we direct that:

(I). The Insurance Companies or the owners of the motor vehicles depositing the amounts in compliance with the awards of the Motor Accidents Claims Tribunals shall-

- (a) first spread the interest amount over to the relevant financial years for the period from the date of filing the claim petition till the date of deposit.*
- (b) thereafter, if the interest for any particular financial year exceeds Rs.50,000/-, separately deposit before the Tribunal the amount liable to be deducted at source under the provisions of Section 194-A(3)(ix) of the Income Tax Act, 1961.*
- (c) Produce before the Claims Tribunal a statement of computation of interest by spreading the amount cover the relevant years from the date of claim application till the date of deposit if the interest for any particular financial year exceeds Rs.50,000/-.*

II. (i) *The Tribunal shall take into account the principles laid down in this judgment and ensure that the amount of interest accrued each year is apportioned amongst the claimants on year to year basis.*

(ii) *for the financial year(s) for which the interest payable to the concerned claimant does not exceed Rs.50,000/-, the Tribunal may permit such claimant to withdraw the amount deposited as per direction I(b) without producing the certificate from the concerned income-tax authority that there is no income-tax liability on the interest which has accrued on the compensation awarded by the Tribunal.*

(iii) *It is clarified that the amount other than the amount liable to be deducted at source under Section 194-A(3)(ix) shall be invested/disbursed by the Tribunal.*

(III). When the claimants make applications/representations before the authority under the Income-tax Act, 1961 for the refund of the amount deducted under the provisions of Section 194-A(3)(ix) of the Act, the concerned authority shall decide such applications/representations within six months from the date of receipt of the applications/representations.”

3. We do not intend to entertain this contempt petition at this stage because this dispute is also the subject matter of execution proceedings pending before the Motor Accident Claims Tribunal. The MACT will ensure that the amount is deposited in terms of the judgment of this Court.

4. After the execution petition is decided in case the insurance company does not comply with the orders of the

executing Court, liberty is reserved to the petitioner to approach this Court.

5. We further direct the executing Court to dispose of this matter as early as possible and not later than by 31st August, 2015.

6. The Contempt case accordingly stands disposed of.

JUDGE

CHIEF JUSTICE