

THE HIGH COURT OF TRIPURA
AGARTALA

MFA(WC) NO. 05 OF 2013

1. Smti. Pratima Roy (Shil),
W/O. Lt. Narayan Ch. Shil,
Vill-East Pratapgarh,
P.O.-East Pratapgarh,
P.S.-East Agartala,
Dist.-West Tripura.

2. Smti. Shiuli Rani Shil,
D/O. Lt. Narayan Ch. Shil,
Vill-East Pratapgarh,
P.O.-East Pratapgarh,
P.S.-East Agartala,
Dist.-West Tripura.

..... **Appellants.**

- V e r s u s -

1. The State of Tripura,
Represented by its Secretary to the
Power Department, Government of Tripura,
New Secretariat Building, P.O. Kunjaban,
P.S.-East Agartala, Dist.-West Tripura.

2. Tripura State Electricity Corporation Ltd.,
Represented by its CMD,
Bidyut Bhavan, Bhuturia, North Banamalipur,
P.O.-Agartala, P.S.-East Agartala,
Dist.-West Tripura.

3. The Senior Manager,
Pratapgarh Electrical Sub-Division,
Tripura State Electricity Corporation Ltd.,
Near Pratapgarh Bazar, P.O.-East Pratapgarh,
P.S.-East Agartala, Dist.-West Tripura.

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellants : Mr. A. Sengupta, Advocate.

For the respondents : None.

Date of hearing and
delivery of judgment
and order. : 07.09.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

The only grievance of the petitioners is that the learned Commissioner, Workmen's Compensation has not awarded interest in accordance with the provisions of the Workmen's Compensation Act, 1923.

2. The relevant portion of the order of the learned Commissioner, Workmen's Compensation reads as follows: -

"Now, it is hereby ordered that the Petitioners are entitled to get Rs.5,61,893/- (Rupees Five Lakh Sixty one Thousand Eight hundred Ninety three) only as compensation on the death of the victim namely, Narayan Chandra Shil. The Opposite Party Nos.1 to 3 shall make payment of the awarded amount of compensation to the Petitioners within one month from today failing which they shall have to pay interest @ 12% per annum, after one month from today, till the date of realisation."

3. Under the Workmen's Compensation Act, the claimant is entitled to interest on the compensation from the date of accident.

4. The learned Commissioner has assessed the compensation in accordance with the provisions of the Workmen's Compensation Act. However, I find that interest has been awarded after one month from the date of judgment till the date of realisation. The Apex Court in ***Saberabibi Yakubbbhai Shaikh and others v. National Insurance Co. Ltd. and others [(2014) 2 SCC 298: 2014 ACJ 467]***, has clearly held that interest is payable from the date of accident and, therefore, the claimants are held

entitled to interest @ 12% per annum from the date of accident till payment of the awarded amount.

5. In this view of the matter, the appeal is partly allowed and the award of the learned Commissioner is modified to the extent that the awarded amount of Rs.5,61,893/- shall carry interest @ 12% per annum w.e.f. 08.02.2008, i.e. the date of accident till payment/deposit of the amount. The amount of interest be deposited in the Registry of this Court on or before 30th November, 2015.

6. Send down the lower court records forthwith.

CHIEF JUSTICE