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HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 218 of 2015

- The Oriental Insurance Company Limited Through Branch Office, Raigarh, District- Raigarh (C.G.)

---- Petitioner

Versus

1. Pankaj Sai S/O Late Sangram Sai Aged About 32 Years
2. Smt. Devmati Wd/O Late Sangram Sai Aged About 64 Years
3. Minor, Vivek Kumar S/o S/O Shri Pankaj Sai Aged About 05 Years
4. Minor Ku. Jaya D/o Shri Pankaj Sai Aged About 03 Years,

No. 3 & 4 are Minor, Through Natural Guardian Appellant No. 1 Pankaj Sai S/O Late Sangram Sai, Aged About 32 Years,

All R/O Village Bagbahar, Tahsil Patthalgaon, District Jashpur (C.G.) Presently Residing At Basant Vihar Colony, Jahspur , Tahsil And District- Jashpur (C.G.)

5. Pawan Kumar Rajgadhiya S/O Late Deepchand Rajgadhiya Managing Director, M/S "Maa Annapurna, Transport Agency Ltd. 84/1 B, Topsiya Road (South) Kolkata- 700045, Office Near Deen Petrol Pump, Bilaspur Road Bhanpuri, Raipur (C.G.)
6. Mohammad Hasim S/O Mohammad Hanif, Caste- Musalman, Aged About 1 Years, Occupation- Driver, R/O Village Nath Nagar, Police Station Nath Nagar, District Bhagalpur (Bihar). Presently Resident Of M/S Maa Annapurna Transport Agency, Near Deen Petrol Pump, Bilaspur, Road Bhanpuri, Raipur (C.G.)

---- Respondents

For Petitioner : Shri H.B. Agrawal, Sr. Advocate with Smt. Priti Yadav,
Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/03/2015

1. In this petition under Article 227 of the Constitution the petitioner, Oriental Insurance Company Limited is seeking a direction to the Motor Accident Claims

Tribunal to refund the amount of Rs.65,930/- deposited on 06/02/2015 on the ground that the said amount of TDS was paid by the petitioner in course of execution, even though the said amount was not to be paid to the claimants but the same was to be deposited before the Income Tax Authorities.

2. Learned Sr. Advocate would rely on the law laid-down by this Court in the matter of *The New India Assurance Company Limited v. Ramesh Kumar Tamrakar and others*, W.P. (227) No. 205 of 2010 decided on 16/12/2010.

3. It appears, after making the deposit, the petitioner has not made any prayer before the Claims Tribunal for refund of the amount and has straight way approached this Court.

4. In the above view of the matter, the writ petition is disposed of with a direction that in the event petitioner moves an application for refund of the amount before the claims Tribunal, the same shall be considered in accordance with law and disposed of at the earliest, preferably within a period of three months from the date of submission of application.

5. If the amount deposited by the petitioner has not yet been disbursed, the same shall not be disbursed to the claimants for a period of four months from today.

J U D G E