

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.76 OF 2000

- 1] Smt.Mumtaz Rashid Shaikh,
Aged 24 years, occ. Nil,
- 2] Habib Gafurbhai Shaikh,
Aged 62 years, occ.Nil,
- 3] Bismilla Habib Shaikh,
Aged 55 years, occ.Nil

All Residing Behind Nagapur
Petrol Pump, Nagapur,
District Ahmednagar ..Appellants

Versus

- 1] Mr.S.B.Wani,
Age Major, occ. Transport,
r/o.Opposite Shriram Automobiles,
Ahmednagar, Dist.Ahmednagar,
- 2] The Branch Manager,
National Insurance Co. Ltd.,
Kotla Road, Sarjepura,
Ahmednagar ..Respondents

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Mr.V.S.Bedre, advocate for appellants

Ms.Anjali Dube, advocate for respondent no.1

Mr.V.N.Upadhye, advocate for respondent no.2

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CORAM : M.T. JOSHI, J.
DATE : JANUARY 14, 2015

JUDGMENT :

Heard both sides.

2] The only challenge in the present appeal is regarding the rate of interest granted over the compensation awarded by the learned Commissioner in the proceedings arising out of the Workmen's Compensation Act.

3] Considering the age and salary of the deceased, learned commissioner has granted compensation of Rs.84,716/- with interest at the rate of 6% per annum.

4] Mr.Bedre, learned counsel for the appellants, submits that since the provisions of Section 4A of the Workmen's Compensation Act, 1923 were amended in the year 1995 whereby, interest at the rate of

12% per annum became payable, the provisions being a social and beneficial provision, the same can be applied to the pending cases also considering the ratio laid down in the case of ***Executive Engineer, Public Works Department and anr. Vs. Bhimrao Manikrao Unhale, 1997(2)Mh.L.J. 365***

5] On the other hand, Mr.Upadhye, learned counsel for respondent no.2 – insurer submits that the issue is no more *res-integra* in view of the decision of the Supreme Court in the case of ***Kerala State Electricity Board and anr. Vs. Valsala K. and anr. etc., 1999 STPL(LE) 26774 SC.***

6] Perusal of ratio in the case of *Kerala State Electricity Board (Supra)* would show that the Supreme Court has unequivocally held that the amended provisions would not be applicable to the incident prior to the amendment of the Act.

7] In that view of the matter, there is no need to interfere with the learned Commissioner.

8] In the result, the appeal is hereby dismissed without any order as to costs.

[M.T. JOSHI, J.]

kbp