

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 262 OF 2000

Hasan s/o Mohammad Shaikh,
Age : 35 years, Occu. Nil,
R/o Chittaranjan Wadi,
Post Tilaknagar, Tq. Shrirampur,
District Ahmednagar

APPELLANT

VERSUS

1. Managing Director,
Maharashtra State Farming
Corporation Ltd.,
270, Bhamburda, Senapati
Bapat Road, Pune
2. Estate Manager,
Maharashtra State Farming
Corporation Ltd., at post
Tilaknagar Farm, Taluka
Shrirampur, Dist. Ahmednagar

RESPONDENTS

Mr. V.S. Bedre, Advocate for the appellant
Mrs. Kalpalata Patil-Bharaswadkar, Advocate
for the respondents

CORAM : M.T. JOSHI, J.
DATE : 05/02/2015

ORAL JUDGEMENT :

1. Heard both sides.
2. The only issue in the present appeal, preferred
against the order of the learned Judge, Second Labour

Court, Ahmednagar i.e. the Commissioner (Workmen's Compensation), is regarding the order of refusing to direct the respondents to pay penalty on the compensation of Rs. 65,496/-, directed to be paid, with interest at the rate of 12% per annum. The learned Judge of the Labour Court refused to grant any penalty on the ground that the present appellant has not accepted the offer made by the present respondents in the Lok-Adalat, which, according to the learned Judge, was bonafide one.

3. Mr. V.S. Bedre, learned counsel for the appellant, submitted that this cannot be a ground for refusal to grant any penalty.

4. I agree that the parties cannot be forced for entering into compromise. It should, however, be noted that the accident in which the present appellant was injured, had occurred on 20th March, 1993. During the said period, the interest that could have been awarded as per the provisions of section 4 of the Workmen's Compensation Act, was at the rate of 6% per annum. Lateron, during the pendency of the proceedings before

the learned Labour Judge, the provision was amended and the Commissioner under the Workmen's Compensation was empowered to grant interest upto 12% per annum. The learned Judge has held that the said amendment has retrospective effect and therefore, the interest at the rate of 12% per annum, as detailed supra, was granted.

5. It is now, however, well established that the amended provisions would come into effect with reference to the date of accident and not because the proceeding was pending. In that view of the matter, when grant of interest of additional 6% per annum was not proper, it would take care of the penalty that has been canvassed in the present appeal. In the result, the following order:-

6. The appeal is hereby dismissed without any order as to costs.

[M.T. JOSHI]
JUDGE