

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Appeal No.483 of 2001**

M/s Jay Ambey Rice Mill, through Santosh Lal Singhania, Proprietor, aged about 52 years, S/o Shri Shivcharan Lal Singhania, R/o Village Thankhamharia, Tahsil Saja, District Durg, Chhattisgarh

---- Appellant**versus**

1. Radhey, aged about 23 years, S/o Shri Saheb Ram Patel, R/o Village Khamharia, Tahsil Saja, District Durg, Chhattisgarh
2. National Insurance India Ltd., Gill Complex, Station Road, Durg, Chhattisgarh

---- Respondents

For Appellant	:	Shri Prateek Sharma, Advocate
For Respondents	:	None

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****8.7.2016**

1. This appeal is directed against order dated 14.6.2001 passed by the Commissioner for Workmen's Compensation, Labour Court, Durg in Case No.26/W.C. Non Fatal/97 in Radhey versus M/s Jay Ambey Rice Mill and another, whereby the Learned Commissioner has ordered to pay simple interest on the amount of Rs.1,18,773/- from the date of accident.

2. The Appellant/Rice Mill was also held liable to pay 25% penalty in case the interest was not deposited within two months. The short question is whether it was the insurance company or the Appellant/Rice Mill should have been made liable to pay the interest. The law in this regard is very clear that principal liability to pay the compensation under the Workmen's Compensation Act is of the insurance company, but the liability to pay the interest will not fall upon the insurance company unless the insurance company has undertaken the liability to pay the interest, in terms of the insurance policy.

3. I have gone through the policy of insurance which is placed on record, which does not contemplate that the insurance company is to bear

liability to pay interest. Therefore, I find that no substantial question of law arises out for consideration in this appeal.

4. The appeal is accordingly dismissed. No costs.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE