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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 789/2015 & C.M.No.23512/2015**

THE ORIENTAL INSURANCE CO LTDAppellant
Through: Mr. JPN Shahi, Advocate

Versus

VIRENDER THAKUR & ANRRespondents
Through: Mr. Manish Maini, Advocate for
respondent No.1-claimant

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
17.11.2016

Impugned Award of 17th August, 2015 grants compensation of ₹4,71,605/- with interest at the rate of 12% *per annum* to respondent No.1-claimant. While entertaining this appeal, it was directed that 50% of the amount be released to respondent No.1-claimant in terms of the impugned Award.

At the hearing, learned counsel for appellant submits that this appeal is confined to grant of interest @ 12% *per annum* instead of 9% *per annum*.

Learned counsel for contesting respondent No.1-claimant submits that in view of the decision of a co-ordinate Bench of this Court in *HDFC Ergo General Insurance Co. Ltd. v. Smt. Lata Devi & Ors.*, (2015) SCC OnLine Del 6505, the interest payable is 9% *per annum* and the interest

component be accordingly reduced, but with a clarification that disposal of this appeal will not impact the appeal of respondent-claimant for enhancement, which is pending adjudication.

In view of the stand taken as aforesaid, this appeal is disposed of while reducing the rate of interest from 12% *per annum* to 9% *per annum*, but with a clarification that disposal of this appeal will have no bearing on the appeal filed by respondent-claimant for enhancement of compensation.

Impugned Award directs release of ₹71,605/- out of the total awarded amount of ₹4,71,605/- in favour of the respondent-claimant. 50% of the said amount has been already released to him. Let the remaining 50% of the amount be also released to him.

The excess amount of interest deposited by appellant be refunded alongwith the statutory deposit of ₹25,000/-.

With aforesaid direction, this appeal and the application are disposed of.

(SUNIL GAUR)
JUDGE

NOVEMBER 17, 2016

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