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

+ **FAO 459/2016 & CM Appln. 34637/2016**

M/S BRIGHT DIE CASTING

..... Appellant

Through: Mr. A.K. Jha, Mr. Sudhir Kumar,
Advocates.

versus

SURENDER KUMAR & ANR

..... Respondents

Through: Mr. J.P. Sikka, Advocate for
respondent no.1
Mr. K.P. Mavi, Standing Counsel for
ESI Corporation with Mr. Vijay
Kumar, Mr. Sidharth Sadana,
Advocates along with Mr. Paramjit
Singh, SSO of ESI Corporation.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **25.09.2017**

1. Mr. K.P. Mavi, learned standing counsel for ESI Corporation has handed over the status report according to which respondent no.1 has been paid temporary disablement benefit of Rs.70,720/- calculated @ Rs.260/- per day for the period 11th January, 2014 to 9th October, 2014 to respondent no.1. Respondent no.1 has been further paid a sum of Rs.1,09,235/- as permanent disability pension for the period 10th October, 2014 to 31st August, 2017 @ Rs.103.6 per day. Respondent no.1 shall be paid Rs.103.6 for the rest of his life. Relevant portion of the status report is reproduced hereunder:

“1. That as per the record maintained in the office of respondent corporation, Respondent no.1 Surender Kumar was appointed by M/s Bright Die casting (herein appellant) on 07/01/2014 and he met an accident on 10/01/2014. On the day of accident Respondent No.1 was

covered under the ESI Act, 1948.

2. That in terms of order dated 03/05/2017 passed by this Hon'ble Court Medical Board constituted to determine the permanent disability of the Respondent no.1.

3. That Medical Board assess the permanent disability of Respondent No.1 as 40%.

4. That vide order dated 03/07/2017 this Hon'ble Court directed the Employees State Insurance Corporation to file status report in respect of the computation of the compensation payable to the Respondent no.1 in respect of permanent disability.

5. That Respondent No.1 has been paid temporary disability benefit for the period from 11/01/2014 till 09/10/2014 at the rate of Rs.260/- per day total amount for the said period comes to Rs.70,720/- (Rupees Seventy Thousand Seven Hundred Twenty only). Said amount was transferred in the account of Respondent No.1 on 04/05/2017.

6. Respondent no.1 has been paid permanent disability pension from 10/10/2014 to 31/08/2017 at the rate of Rs.103.6/- per day. Total amount for the said period comes to Rs.1,09,235/- (Rupees One Lac Nine Thousand Two Hundred Thirty Five only). An amount of Rs.1,02,811/- was transferred in the account of Respondent no.1 through ECS on 19/07/2017, Rs.3,212/- was transferred on 28/08/2017 and Rs.3,212/- was transferred on 16/09/2017.

7. That Employee State Insurance Corporation undertake to pay continuously the disability pension to the Respondent No.1 throughout his life."

2. Learned counsel for respondent no.1 submits that respondent no.1 is satisfied with the status report filed by ESI Corporation.

3. The appeal is allowed and impugned order dated 9th November, 2015 is set aside. The amount deposited by the appellant with the Commissioner, Employees' Compensation be refunded back to the appellant within four weeks from today. ESI Corporation shall remain bound by the status report handed over in Court today. The pending application is disposed of.

J.R. MIDHA, J.

SEPTEMBER 25, 2017

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