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

\+ FAO 443/2016, CM APPLNS. 33020/2016 and 7774/2017

M/S TRINAYAN HOMES (P) LTD ..... Appellant

Through: Mr. Siddharth Dutta, Mr. Kumar Dushyant Singh and Mr. Mukul Lather, Advocates

versus

AJAY KUMAR JHA ..... Respondent

Through: Mr. Akarsh Bhalla, Advocate

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

O R D E R

% 30.11.2017

1. Vide order dated 09th March, 2017, show cause notice was issued to the appellant to show cause as to why the penalty be not imposed on the appellant under section 4A(3) of the Employees' Compensation Act.

2. The appellant has filed the reply to the show cause notice. Learned counsel for the appellant submits that the appellant paid Rs. 54,000/- to the respondent towards the treatment after the accident. It is further submitted that the appellant deposited the compensation amount before the Commissioner, Employees' Compensation on 17th November, 2016. It is further submitted that the appellant was under the impression that the compensation amount is payable after the order is passed and therefore, the lenient view be taken against the appellant.

3. In the facts and circumstances, the penalty of Rs. 2,50,000/- is imposed on the appellant under Section 4A(3) of the Employees' Compensation Act.

4. Learned counsel for the appellant submits that he has taken instructions from the appellant that the appellant shall deposit the penalty amount with the Registrar General of this Court within two weeks. The statement of the appellant is taken on record.

5. The appellant is directed to deposit the penalty amount of Rs. 2,50,000/- with Punjab National Bank, Kakrola Branch, Delhi by means of a cheque drawn in the name of Punjab National Bank A/c Ajay Kumar Jha within two weeks. The petitioner shall furnish the copy of this order to Punjab National Bank, Kakrola Branch, Delhi along with the cheque of Rs. 2,50,000/-.

6. Upon the aforesaid deposit being made Punjab National Bank, Kakrola Branch shall release Rs.50,000/- to the respondent by transferring the same to his savings bank account. No.1519010100376505 with Punjab National Bank, Kakrola Branch, Delhi (IFSC: PUNB0468400).

7. The balance amount of Rs.2,00,000/- be kept in 8 FDRs of Rs.25,000/- each for the periods 31 months to 38 months respectively with cumulative interest.

8. All the original FDRs shall remain with Punjab National Bank, Kakrola Branch, Delhi. However, the statement containing FDR number, amount, date of maturity and maturity amount shall be furnished by Punjab National Bank, Kakrola Branch, Delhi to the respondent.

9. The maturity amounts of the FDRs be released to the respondent in his aforesaid savings bank account.

10. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

11. The appeal and the pending application are disposed of in aforesaid terms.

12. This Court appreciates the assistance rendered by the learned counsels

for the parties in this matter.

13. Copy of this order be given *dasti* to the counsels for the parties under the signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 30, 2017
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