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

Decided on: 21st September, 2017

+ **MAC APPEAL No. 1107/2016 and CM APPL.47950/2016**

**UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION (UPSRTC) Appellant**
Through: **Mr. Aly Mirza, Advocate**

versus

SEEMA DEVI & ORS. Respondents
Through: **Mr. Lav Kumar Agrawal,
Advocate**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. While granting award of compensation, by judgment dated 20.10.2016, in favour of the first and second respondents (collectively, the claimants) on their claim petition (Petition No.77231/2016) on account of death of their child Baby Anjali Pal, due to accident that occurred on 15.04.2014, on account of involvement of the bus of the appellant, the tribunal had levied interest @ nine per cent (9%) per annum from the date of filing of the petition, but also added directions to the effect that in the event of the amount not being deposited within thirty (30) days, the rate of interest would stand increased to twelve per cent (12%) per annum for the period of delay.

2. The appeal is pressed, at the hearing, only to seek relief against the penal enhanced rate of interest.

3. It is noted that the appellant had filed the appeal on 22.12.2016 and it came up before the court on 23.12.2016 and by order dated 02.01.2017 in terms of the directions, the operation of the impugned award was stayed, subject to the appellant making deposit of the awarded amount with interest @ 9% per annum. The said order having been complied with, there is no justification for the levy of penal interest of 12% per annum which was to trigger only in the event of default in timely compliance. The directions to such effect in the impugned judgment are, thus, set aside.

4. A part of the amount deposited by the appellant was allowed to be released in terms of order dated 03.05.2017, the balance shall also now be released to the claimants in terms of the impugned award.

5. The statutory deposit shall be refunded.

6. The appeal along with accompanying application stands disposed of in above terms.

R.K.GAUBA, J.

SEPTEMBER 21, 2017

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