

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

Date of Order: December 12, 2017

+ **MAC.APP. 1021/2015 & CM 32608/2015**

UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION

..... Appellant

Through: Ms. Garima Prashad and Mr.
Shadab Khan, Advocates

Versus

KHEM CHAND

..... Respondent

Through: Mr. Shyam Singh Sisodia,
Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned Award of 1st October, 2015 grants compensation of ₹66,608/- with interest @ 12% *per annum*. Respondent-claimant had suffered grievous injuries in a vehicular accident on 22nd December, 2012. The Motor Accident Claims Tribunal, Shahdara, Karkardooma Courts, Delhi (*hereinafter referred to as 'the Tribunal'*) vide impugned Award has granted compensation to respondent-claimant, whose break-up is as under: -

<i>S.No.</i>	<i>Name of heads</i>	<i>Amount</i>
1.	<i>Loss of pain and sufferings</i>	₹20,000/-
2.	<i>Special diet and conveyance</i>	₹20,000/-
3.	<i>Expenses towards medicines (with bills)</i>	₹8,600/-
4.	<i>Attendant charges for one month</i>	₹3,500/-
5.	<i>Compensation towards loss of</i>	₹14,508/-

	<i>income for two months</i>	
Total		₹66,608/-

2. Learned counsel for petitioner, at the outset, reserves the right to raise the issue of negligence relating to the accident in question in the connected appeals and submits that the grant of interest on the Awarded amount is exorbitant.

3. On the other hand, learned counsel for respondent-claimant supports impugned Award.

4. Upon hearing and on perusal of record, I find that the quantum of compensation granted is just and fair. During the course of hearing, learned counsel for petitioner had drawn attention of this Court to a recent Supreme Court's Constitution Bench decision in *National Insurance Company Ltd. Vs. Pranay Sethi & ORs.* 2017 SCC OnLine SC 1270 to submit that the interest @ 9% ought to be granted in such cases.

5. Applying the dictum of Supreme Court's Constitution Bench decision in *Pranay Sethi (supra)* to the facts of instant case, while upholding the quantum of compensation granted, the rate of interest granted thereon is reduced from 12% to 9% *per annum*.

6. Registry to release compensation to respondent-claimant in terms of this order and to refund the excess deposit, if any, to appellant alongwith the Statutory Deposit, as per Rules.

7. With aforesaid modification and directions, this petition and the application are disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 12, 2017

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