IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3328 of 2015
In
MA 187 of 2009

==

Wakil Khan @ Md. Wakil Khan, R/o Village- Roh, P.S.- Roh, District- Nawada.

.... Petitioner/s

Versus

1.The Deputy Labour Commissioner-Cum-Commissioner, Workmen Compensation, Magadh Division, Gaya, Namely Nand Lal Prasad.
2.The Chairman, Natinal Insurance Company Ltd, Office at Middle Term Street, Kolkatta, namely, Ashok Kumar.
3.Shiv Shankar, son of Late Nathuni Prasad.
4.Kumari Sangeeta, wife of Shiv Shankar.

.... Respondent/s

==

Appearance :
For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.
For the Respondent/s : Mr. Ashok Priyadarshi, Adv.

==

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 14-09-2018 Learned counsel representing the Deputy Labour Commissioner, Magadh Division, Gaya, has produced a Cheque bearing no. 000203 dated 13.09.2018 for a sum of Rs.5,15,074/- drawn in favour of the petitioner towards full and final payment of the compensation amount with interest as received from the Insurance Company.

At this stage, learned counsel representing the Insurance Company submits that out of the total amount of Rs.5,90,894/- some deductions have been made on account of TDS on the amount of interest paid to the petitioner. Learned counsel submits that the TDS at the rate of 20% has been deducted on the interest amount in absence of any Permanent Account Number, however, learned counsel for the petitioner submits that at no point of time the Insurance Company called for the Permanent Account Number of the petitioner and this deduction seems to have been made wrongly.

Let the Cheque aforementioned be handed over to the learned counsel for the petitioner who undertakes to hand it over to the petitioner within a week and submit a receipt showing such delivery of Cheque to the petitioner.

So far as, the amount deducted on account of TDS is concerned, the Insurance Company shall provide the TDS certificate to the petitioner by 31st of October, 2018 failing which the Company would be liable to pay equal amount to the petitioner as cost of compensation. The Insurance Company will ensure that the TDS is duly deposited in the Permanent Account Number of the petitioner.

This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

U			