

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1239 of 2011**

1. Sriram Kore, S/o. Shri Dina Ji Kore, Aged about 60 years, R/o. Kalkapara Ward No.8, Dongergarh, District Rajnandgaon Chhattisgarh
2. Smt. Jaswanta Bai Kore W/o Sriram Kore, Aged about 55 years, R/o Kalkapara Ward, No. 8, Dongergarh, District Rajnandgaon, Chhattisgarh

---- Appellants**Versus**

1. Kanwaljeet Singh Bhatia, S/o. Shri Surjeet Singh Bhatia, R/o. Budhwaripara, Dongergarh, District Rajnandgaon, Chhattisgarh.
2. Branch Manager National Insurance Company Limited, Branch Office At Kamthi Line, Rajnandgaon, Chhattisgarh

----Respondents

For Appellants	:	Mr. Malay Shrivastava, Advocate
For Respondent No.1	:	Mr. Sikhar Bhaktiyar, Advocate on behalf of Mr. B.P. Singh, Advocates
For Respondent No.2	:	Mr. B.N. Nande, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/01/2018**

1. Present is an appeal under Section 30 of the Workmen's Compensation Act assailing the award dated 19.07.2011, passed by the Commissioner for Workmen's Compensation, Labour Court, Rajnandgaon, Chhattisgarh, in Case No. 1/W.C.Act/2009/Fatal.
2. The facts of the case is that the deceased in the instant case Jai Kishore Kore met with an accidental death on 19.10.2006 while working in Jeep bearing registration No. CG/07/0407. The legal representatives of the said deceased filed a claim application before the Commissioner for Workmen's Compensation and the learned Commissioner vide the impugned award dated 19.07.2011 passed an order of payment of compensation of Rs.3,25,365/-. In addition, it was also ordered that in the event if the said amount is not deposited

within a period of 30 days, the amount shall carry interest @ 7% per annum. Further, an amount of Rs.15,000/- has also been imposed as penalty upon the respondent No.1-the employer. It is this award, which is under challenge in the present appeal.

3. The matter when it was earlier listed before the Division Bench of this Court on 04.01.2013, it has been held by the Division Bench that the only question involved in this appeal as to what rate of interest is payable to the awarded sum.
4. It is relevant at this juncture to refer to Section 4A(3)(a) which for ready reference is reproduced herein under:

“4A.(3)(a) Where any employer is in default in paying the compensation due under this Act within one month from the date it fell due, the Commissioner shall direct that the employer shall, in addition to the amount of the arrears, simple interest therein at the rate of twelve per cent per annum at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government, by notification in the Official Gazette, on the amount due.”

5. A plain perusal of the said provision of law clearly reflects that the intention of the legislature is that in the event of any delay on the part of the employer or the Insurance Company in payment of the compensation due to the family members of the deceased or to the injured, the amount shall carry interest @ 12% per annum and the said interest shall be paid from the date the compensation shall due.
6. So far as the date on which the compensation falls due is concerned, it is by now well settled by a series of decisions that the compensation under the Workmen's Compensation Act falls due on the date of accident or within 30 days from the date of accident. In the instant case, the date of incident was 19.10.2006 and for all

practical purposes the compensation payable became due on the date of accident i.e. 19.10.2006 or within 30 days i.e. by 19.11.2006. From the facts of the present case, it clearly reflects that the compensation was not paid promptly to the legal representatives of the deceased and that they had to contest their case all along for getting the award in their favour.

7. In the given facts and circumstances of the case, the interest payable on the said amount would be as per the provisions of the Section 4A(3)(a). In accordance to the aforesaid provisions the interest payable on the said amount would be @12% and the said amount shall also be payable from the date of accident that is w.e.f. 19.10.2006. It is ordered accordingly. It shall be the responsibility of the Insurance Company to pay the amount at the earliest.
8. So far as the enhancement for the penalty part is concerned, this Court does not find any strong case made out by the appellant. Moreover, the Division Bench itself had confined the appeal to be entertained only on the issue of interest.
9. The appeal thus stands partly allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge