

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO.700/2017

Brijesh Bansilal Lulla and another

..Vs..

Smt. Ruksana Parvin Wd/o Syd. Hasan and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri U.A. Gosavi, Advocate for the appellants.

CORAM : Z.A. HAQ, J.

DATE : 12.3.2018.

Heard.

The substantial question of law which arises
for consideration is :

“(i) Whether the Commissioner is right in imposing penalty and saddling the liability of interest on the employer when notice as required by proviso below Sub-section (3) of Section 4-A of the Employee's Compensation Act, 1923 affording reasonable opportunity to the employer to show cause why penalty should not be imposed on him, was not given ?”

The appeal is **admitted** on the above substantial question of law.

Shri B.N. Mohta, Advocate waives notice for respondent No.1.

Shri A.J. Pophaly, Advocate waives notice for respondent No.2.

CIVIL APPLICATION NO.2520/2017

In connected First Appeal No.915/2017 filed by the insurance company, the execution of impugned award against the insurance company is stayed.

In this appeal, the employer has challenged the award only to the extent liability of interest and penalty is imposed on him.

In above facts, it is directed that the execution of impugned award to the extent of recovery of amount of interest and penalty shall stand stayed until further orders. The respondent No.1 / claimant will be at liberty to execute the impugned award against the appellants (i) Brijesh Bansilal Lulla and (ii) Shiv Travels, for recovery of amount of compensation of Rs.5,70,720/-. The civil application is **disposed** in the above terms. No costs.

JUDGE