

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

463

XOBJ-77-CII of 1997 and
FAO No.261 of 1997
Date of decision: 19.04.2018

The Oriental Insurance Company Ltd.

...Appellant

Vs.

Chand Tari and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. D.P. Gupta, Advocate for the appellant.

Mr. Deepak Jain, Advocate for the
respondent and cross objector.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the award dated 29.10.1996 of the Commissioner, Hissar passed under the Workmen Compensation Act, 1923. Two grounds have been taken, firstly, that interest is not payable by the Insurance Company. This ground is rejected in view of the Supreme Court judgment in ***Ved Prakash Garg Vs. Premi Devi 1998 ACJ 1***. Second contention raised by learned counsel is that in this case Commissioner awarded 6% on the awarded amount payable within two months and in case the same is not paid within the aforesaid period, the appellant would be saddled with 12% interest instead of 6%. As per learned counsel this is beyond the power of Commissioner and beyond

the statute. Counsel for the respondent has relied upon ***Pratap Narain Singh Deo Vs. Shrinivas Sabata and Another 1976 AIR (SC) 222*** where the Supreme Court, in cases under the Workmen's Compensation Act, upheld higher interest also. In the present case it would be seen that the Commissioner has granted 6% interest and two months time to the appellant to deposit the amount and it further states that in case amount is not deposited within two months the Insurance Company would be liable to pay enhanced amount.

In view of the decisions cited above, I find no question of law. Consequently, this appeal is dismissed.

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The respondents have filed cross objections, & the ground which is taken is that the benefit of the 1995 amendment should have been given to the claimants because, though the accident took place before the amendment the claim was decided later. Reliance placed on ***Rathi Menon Vs. Union of India 2001 AIR SC 1333***. Counsel for the Insurance Company has further that the judgment of Rathi Menon is under the Railways Act and the exact question of the amendment of the Workmen's Compensation Act and the effect it would have on the compensation, was decided by Supreme Court in ***Kerala State Electricity Board and Another Vs. Valsala K and Another (1999) 2 ACC 656*** and their Lordships specifically answered it in the negative and held that the compensation would be payable as on the date of the accident and not on the ground that during the pendency of the claim

the amendment had come into force. However, the amount of interest is to be granted from one month after date of accident instead of date of order. In view of *Pratap Narain Singh Deo*(supra), this contention is accepted.

Cross objections are partially allowed to that extent.

Since the main case has decided, pending civil miscellaneous, if any, shall be disposed of.

April 19, 2018

Poonam (II)

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No