

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

381

FAO No.191 of 1998 (O&M)

Date of Decision : 16.05.2018

United India Insurance Company Ltd.

..... Appellant

Versus

Pritam Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present:- Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for the appellant.

None for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the Insurance Company against the order dated 25.11.1997 passed by the Commissioner, Karnal under the Workmen's Compensation Act, 1923. Since a very limited point has been raised further detailed reference to the facts is not necessary.

The two grounds raised are with regard to liability to pay interest and penalty. Both issues are no longer *res integra*. As regards interest, in view of the judgment of the Supreme Court passed in ***Oriental Insurance Company Ltd. Vs. Siby George (2012) 12 SCC 540*** it has now been conclusively held that the insurance Company would be liable to pay the interest.

In accordance with a judgment of the Supreme Court passed in **Ved Prakash Vs. Premi Devi (1997) 8 SCC 1** penalty is to be payable by the employer and the Insurance Company can only be burdened with the interest, if at all it is justified in the facts of the case.

Appeal is partly allowed as regards the penalty but dismissed with regard to interest. The appellant would be entitled to recover the penalty amount (with the same rate of interest as it was deposited) from the employer.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

16.05.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No