

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

225

FAO-818-2015 (O&M)
Date of decision: 13.11.2018

ANITA TYAGI AND ORS

... Appellants

Versus

J.E. UHBVNL 'OP' SUB DIVN. KUNDLI SONEPAT AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Arun Singal, Advocate for the appellants.
Mr. Satish Singla, Advocate for respondent-UHBVNL.
Mr. R.N. Singal, Advocate for respondent No.7.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Commissioner under Employees Compensation Act, 1923 (in short 'the Act').

The Tribunal has awarded compensation of Rs.7,56,788/-, i.e. Rs.6,90,080/- towards compensation and Rs.66,708/- for interest w.e.f 21.11.2013 to the date of conclusion of case i.e. 11.09.2014 and future interest @ 12% per annum on the compensation amount from the date of order till realization.

The sole submission made by counsel for the appellants is that claimants are entitle to interest on compensation of Rs.6,90,080/- from the date of expiry of 30 days of the accident till realization of the amount.

Counsel representing the respondent has supported findings of the Tribunal.

Counsel for the insurance company would apprise that liability of the insurance company is limited to Rs.5 lakh, in view of terms and conditions of the policy.

Be that as it may, the occurrence in question took place on 24.09.2012 and Parveen Kumar sustained injuries that proved fatal when he was on duty during the course of his employment as ALM. Taking into consideration the provisions of the Act coupled with that it is a beneficial legislation to provide compensation to the victim or victim's family along with the fact that the Tribunal has not assigned any reason for denial of interest on expiry of 30 days from the date of accident or non-payment of interest in case the amount is deposited within 30 days from the date of order, the award is modified to the effect that claimants shall be entitle to compensation of Rs.6,90,080/- with interest @ 12% per annum w.e.f 24.10.2012 till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

13.11.2018

ashok

(REKHA MITTAL)**JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No