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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 49/2016 & CM APPL. 22145/2016**
M/S ARORA CONSTRUCTION CO PVT LTD

..... Appellant

Through: Mr. Sumit Arora and Mr. Prashant
Mehra, Advocates.

versus

COMMISSIONER, EMPLOYEE'S COMPENSATION AND ORS

..... Respondents

Through: Mr. Sanjeev Kumar Singh, Advocate
for R-2 to R-5.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **08.02.2018**

After some arguments, the learned counsel for the parties state upon instructions that the appeal can be disposed-off on the terms that: an amount of Rs. 2.5 lacs towards compensation alongwith interest plus on the unpaid amount of Rs. 2.48 lacs w.e.f. 23.07.2009 @ 12% *per annum* is paid to the claimants. Additionally, a penalty of Rs. 1,78,560/- is to be deposited as per section 4A(3) of the Workmen's Compensation Act, 1923, which stipulates that in the event of default of payment of compensation, a penalty "not exceeding 50%" of the unpaid amount can be levied on the employer. Rs. 2 lacs had already been paid by the employer/appellant to the claimant/respondent. Since the respondents have been involved in litigation for quite some time, hence, costs of Rs. 10,000/- shall be paid to them.

Therefore, the parties have agreed that the claimants shall be entitled to an amount of Rs. 4,48,000/- towards compensation; the aforesaid interest

of Rs. 1,78,560/- and penalty of Rs. 71,440/- plus Rs. 10,000/- towards costs. In all Rs.7,08,000/-.

It is not in dispute that the respondents have been disbursed an amount of Rs. 4,40,000/- by the Commissioner, Employees' Compensation. Hence, an amount of Rs. 2,68,000/- remains to be paid to them. This remaining amount shall be disbursed to the Class I legal heirs of the deceased workman, Mr. Sunil, in the same manner as Rs.4,48,000/- was disbursed earlier. After paying the said amount, the residual of the deposit made by the appellant shall be released to it.

The appeal stands disposed-off in the above terms.

NAJMI WAZIRI, J

FEBRUARY 08, 2018

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