

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION (ST) NO. 28891 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 28892 OF 2018
IN
FIRST APPEAL (ST) NO. 28889 OF 2018

M/s. Anglo Eastern Tanker Management
(Hong Kong) Ltd. ..Applicant/ Appellant

v/s.

Smt. Bhartiben Amratbhai Tandel & Ors. ..Respondents

Ms. N. Sumnani i/b. M/s. Bhat & Saldhana for the
Appellant/Applicant.

Mr. Devendranath Joshi for the Respondent Nos.1 to 4.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th AUGUST, 2019.**

P.C.

1. Heard the learned Counsel for the applicant/appellant and the respondent. The applicant has sought to stay the execution and implementation of the judgment and award dated 26th July 2018 passed by the learned Commissioner for Employees Compensation in Application (ECA) No. 314/B-60/2015. By the impugned Judgment

and Award, the learned Commissioner has directed the respondent to pay to the appellant compensation of Rs.21,26,800/- with interest @ of 12 % per anum from the date of accident till its realization.

2. By Order dated 17.12.2018, this Court had granted ad-interim stay subject to deposit of amount of Rs.5,70,720/- within a period of four weeks from the date of the order. The appellant has already complied with the said order and it is stated that the respondent has also withdrawn the amount deposited by the appellant.

3. The learned Counsel for the respondent states that in view of the proviso to Section 30, the appellant is required to deposit the entire amount. Whereas, the learned Counsel for the appellant, relying upon the decisions of this Court in *B.T. Shipping London & Ors. vs. Arati Narayan & Ors.*, 2000(2) Mh.L.. 832, *Husain Abdul Kadir Khatib vs. The Shipping Corporation of India (FA 2371 of 2005)* and order dated 4.10.2018 in *Civil Application No. 2915 of 2018 in First Appeal (St) No. 20981 of 2018*, contends that the Commissioner has jurisdiction to award compensation only as prescribed under the Act and not exceeding thereof. She further

submits that the Commissioner cannot grant compensation higher than that payable under the Act and if the claimants are entitled for any higher compensation under the agreement, they can always initiate proceeding in the Civil Court.

4. The questions raised by the learned Counsel in the present appeal were also raised in Civil Application No.2915 of 2018. After considering the relevant provisions and the previous decisions of this Court, this Court has taken a view that directing the appellant to deposit the maximum amount of compensation payable under the Act would be sufficient compliance. I am not inclined to take a view different from the one expressed in the Order dated 4.10.2018. Accordingly, the Certificate of Deposit with the Commissioner as required under third proviso of Section 13 of one of the Act is dispensed with. Execution of the impugned judgment and award is stayed till disposal of the appeal.

5. Civil application stands disposed of.

Prasanna
P.
Salgaonkar

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(ANUJA PRABHUDESSAI, J.)