

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

231

FAO-8827-2014 (O&M)

Date of decision: 05.03.2019

MADAN LAL AND ORS

... Appellants

Versus

M/S S.N.B. ENTERPRISES PVT LTD AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ram Pal Verma, Advocate for the appellants.
None for the respondents.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation over and above what has been allowed by the Commissioner under the Employees Compensation Act, 1923 (in short 'the Act').

The Commissioner has awarded Rs.6,37,169/-, detailed hereunder:-

- | | |
|---|---------------|
| 1. Compensation | Rs.6,02,999/- |
| 2. Interest from 11.04.2013 to 30.09.2013 | Rs.34,170/- |

Counsel for the appellants would argue that interest @ 12% per annum is payable from the date of occurrence that took place on 23.03.2013 but the Commissioner has awarded interest from 11.04.2013. Another submission made by counsel is that the Commissioner has not awarded penalty against employer of the deceased namely M/s SNB Enterprises Pvt. Ltd.

There is no representation on behalf of the respondents, despite service.

The claimants shall be entitle to interest @ 12% per annum on the amount of compensation i.e. Rs.6,02,999/- from 23.03.2013 till realization. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Oriental Insurance Company Ltd. Vs. Siby George, 2012(4) RCR (Civil) 617** and **Saberabibi Yakubbbhai Shaikh and others Vs. National Insurance Company Ltd. and others, 2014(1) RCR (Civil) 731**. Accordingly, the order passed by the Commissioner with regard to payment of interest stands modified.

So far as plea of the appellants for award of penalty, to be paid by the employer, perusal of the impugned order would reveal that it does not make reference to any show cause notice issued by the Commissioner calling upon the employer as to why the penalty be not imposed for failure of the employer to deposit compensation in compliance with provisions of the Act. That being so, the present appeal stands disposed of but with liberty to the appellants to file an application before the Commissioner concerned for deciding the question of penalty, payable by employer of the deceased. In case such an application is filed within a period of two months, the same shall be decided by the Commissioner on merits but after affording an opportunity of being heard to respondent No.1, in accordance with law.

05.03.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No