

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 991 of 2014Smt. Kamla Singh Dead Th. Lrs Manohar Singh and Ors. **Versus** Mus. Dulourin Bai and Ors

04.08.2020	Mr. S.P. Kale, Advocate with Mr. Lav Sharma, Advocate for the appellants. Mr. Ratnesh Agrawal, Advocate for Respondent 1 to 4. Mr. Sourabh Sharma, Advocate for Respondent 5. On 11.03.2019 learned Single Judge has formulated a substantial question of law for hearing of this appeal which reads as follows. “Whether the Commissioner, Employees' Compensation Act-cum-Labour Court, Bilaspur was justified in exonerating the Insurance Company from its liability? ” Learned Single Judge has also taken into consideration that the Commissioner has not followed the proceedings as envisaged under proviso to Section 4(A)(3b) of the Workmen's Compensation Act, 1923 (Employees' Compensation Act) (for short “the Act, 1923), but has not formulated the question of law for hearing on the issue. Upon hearing learned counsel for the respective parties, we find it appropriate to frame additional substantial question of law as under. “whether the Commissioner under Employees Compensation Act was justified in passing an order of

50% of the penalty on the awarded amount without complying with the provision of Section 4(A)(3b) of the Act, 1923?

With the consent of the parties, the appeal is being heard finally and the order passed separately.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge