

**In the High Court of Punjab and Haryana at Chandigarh**

PARAMJIT KAUR SAINI  
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**FAO- 7954 of 2017 (O&M)**

**Date of Decision: 8.1.2020**

**Baljit Singh**

**---Appellant**

**versus**

**Harjinder Singh and another**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Subhash Chander Patial, Advocate  
for the appellant**

**\*\*\***

**Rekha Mittal, J.**

**CM No. 26337-CII of 2017**

Prayer in this application is for condoning delay of 409 days in refiling the appeal.

In view of averments made in the application supported by an affidavit of Sh. Subhash Chander Patial, Advocate, counsel for the applicant and arguments advanced, application is allowed and delay of 409 days in re-filing the appeal stands condoned.

**Main case**

The claimant is in appeal seeking additional compensation assessed by the Commissioner under the Employees' Compensation Act. 1923 (in short "the Act") in respect of injury sustained in an occurrence dated 31.3.2012.

Mr. Tajinder Pal Singh, Advocate, has caused appearance on behalf of the insurance company.

Counsel for the appellant would argue that the Commissioner

has awarded interest @ 9% per annum as against 12% provided under the Act.

Counsel representing the insurance company has supported assessment made by the Commissioner.

Section 4-A of the Act deals with compensation to be paid when due and penalty for default. Sub Section 3 of Section 4-A says that where any employer is in default in paying the compensation due under this Act within one month from the date it fell due, the Commissioner shall direct the employer to pay simple interest @ 12% per annum or at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central government by notification in the Official Gazette on the amount due.

Taking into consideration the aforesaid provision, I find merit in contention of the appellant that he is entitle to interest @ 12% per annum from the date of accident till actual realization on sum of Rs. 3,64,280/-, assessed towards compensation and medical treatment expenses.

No other point has been raised.

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

**(Rekha Mittal)**  
**Judge**

**8.1.2020**

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No