

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE**

**PRESENT
THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

C.M.A. NO: 307 OF 2014

Appeal under Section 30 of W.C.Act, against the Judgment/ decree in W.C.No.461 of 2003 NF dated 22/08/2012 on the file of the Court of the Commissioner of Employees Compensation -cum- Deputy Commissioner of Labour, Nizamabad.

Between:

Rathla Soni, W/o. Panthulya Occ: Labour R/o. Vinayaknagar Nizamabad

...APPELLANT/ PETITIONER

AND

1. N.Chander, S/o. Vittal Owner of Tractor bearing No. AP-25-G-7712 and Trolley bearing No. AP - 25-D-4557, R/o. Pothangal (Shiva Thanda) Navipet Mandal, Dist. Nizamabad
2. The New India Assurance Company Limited, Through its Divisional Manager Divisional Office Opp. Z.P. Office Subhashnagar Nizamabad
(Respondent No.1 is not a necessary party as the entire compensation amount is deposited by the Respondent No.2 before the tribunal below)

...RESPONDENTS/ RESPONDENTS

For the Appellant : SRI T.V.KALYAN SINGH, Advocate

For the Respondent No.1 : NOT NECESSARY PARTY VIDE C.T.

For the Respondent No.2 : SMT P.SATYA MANJULA, Advocate

The Court delivered the following: JUDGMENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL MISCELLANEOUS APPEAL No. 307 of 2014

JUDGMENT:

In spite of notice received, there is no appearance for the second respondent Insurance Company. As this matter requires assistance of the learned counsel, this Court had sought assistance of Sri A. Ramakrishna Reddy, learned counsel representing before this Court regularly in relation to these matters.

There is no dispute with regard to the facts.

Learned counsel for the appellant submits that grievance of the appellant is only with respect to the interest not being granted from the date of the accident till the date of payment, in the light of the judgment of the Apex Court in **Oriental Insurance Company Limited v. Siby George**¹.

A perusal of the order under appeal discloses that as per the judicial pronouncements prevailing at that point of time, the Commissioner awarded interest @12% from one month after the date of receipt of the order. Though the Commissioner directed the respondents to deposit the compensation within 30 days from the date of receipt of the order, failing which, it should carry interest @12% per annum, the Hon'ble Supreme Court in **Siby George** (1 supra), while referring to the judgments in **Pratap**

Narain Singh Deo v. Srinivas Sabata² and Kerala State Electricity Board v. Valsala³, held that the interest is payable from the date of the accident. However, the liability to pay interest arises only after one month from the date of the accident in view of Section 4-A(3)(a) of the Workmen's Compensation Act, 1923.

In those circumstances, this appeal is allowed modifying the order under appeal to the effect that the appellant is entitled to interest @12% per annum after one month from the date of the accident till the date of realization.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

² (1978) 1 SCC 289

³ AIR 1999 SC 3502

//TRUE COPY//

Sd/-K.SREENIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To

1. The Commissioner for Employees Compensation -cum- Deputy Commissioner of Labour, Nizamabad. (with records)
2. One CC to Sri T.V.Kalyan Singh, Advocate (OPUC)
3. One CC to Smt P.Satya Manjula, Advocate (OPUC)
4. Two CD Copies

Kj.



HIGH COURT

DATED:11/02/2021



JUDGMENT

CMA.No.307 of 2014

ALLOWING THE CMA WITHOUT COSTS.

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RMA
08/03/2021