

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL MISCELLANEOUS APPEAL Nos. 251, 263, 264 and 265 of 2013

COMMON JUDGMENT:

In spite of notice received, there is no appearance for the second respondent Insurance Company. As these matters require 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 appellants submits that grievance of the appellants 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. In support of the same, he filed along with the appeal a copy of judgment dated 17.02.2004 in C.M.A.No.3841 of 2002, wherein, this Court directed the insurance company for payment of interest @ 12% per annum from the date of the accident till the date of realization.

A perusal of the orders under appeal discloses that as per the judicial pronouncements prevailing at that point of time, the Commissioner awarded interest @12% in terms of Section 4-A(3)(a) of the Workmen's Compensation Act, 1923 (for short

¹ (2012) 12 SCC 540

‘the Act’), 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 Sabata**² and **Kerala State Electricity Board v. Valsala**³, 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 Act.

In those circumstances, these appeals are allowed modifying the orders under appeal to the effect that the appellants are 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.

CHALLA KODANDA RAM, J

4th FEBRUARY, 2021.

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² (1976) 1 SCC 289

³ AIR 1999 SC 3502