

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL MISCELLANEOUS APPEAL No. 282 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**

¹ (2012) 12 SCC 540

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.

CHALLA KODANDA RAM, J

11th FEBRUARY, 2021.

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² (1976) 1 SCC 289

³ AIR 1999 SC 3502