

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.112 of 2018

***Manager Legal, Claims, M/s. BAJAJ
ALLIANZ General Insurance Co. Ltd. Appellant***

Mr. G.P. Dutta, Advocate

-versus-

Bikash Ranjan Sahoo and Another Respondents

Mr. B.N. Samantaray, counsel for Respondent No.1

**CORAM:
SHRI JUSTICE B. P. ROUTRAY**

**ORDER
06.01.2022**

Order No.

15. 1. Heard Mr. G.P. Dutta, learned counsel for the Appellant and Mr. B.N. Samantaray, learned counsel for the claimant – Respondent No.1.
2. The present appeal by the insurer has been directed against the judgment dated 17th November, 2017 of the learned Commissioner for Employee's Compensation-cum-Deputy Labour Commissioner, Cuttack in E.C. Case No.233-D of 2015.
3. In the impugned judgment the learned Commissioner upon adjudicating the dispute has directed for grant of compensation to the tune of Rs.3,98,247/- on account of injury sustained by the claimant in the accident dated 9th May, 2015.
4. The case of the claimant is that he was working as a helper in the truck bearing Registration No.OIU 6349 on the date of date of

accident and sustained fractured injury and other multiple injuries due to the accident in course of employment.

5. Mr. Dutta, learned counsel for the Appellant submits that the learned Commissioner has granted higher compensation by improperly assessing the extent of disability and loss of earning capacity. As per his submission the loss of earning capacity should not be more than 21%.

6. Having heard Mr. Samantray, learned counsel for the claimant – Respondent No.1 and upon perusal of the impugned judgment, without getting into further discussion in respect of determination of compensation in detail, the same is reduced to Rs.3,00,000/- consolidated, which is agreed by Mr. Samantray.

7. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a consolidated sum of Rs.3,00,000/- (three lakh) along with proportionate interest accrued thereon be disbursed in favour of the claimant – Respondent within four weeks from today and the balance amount along with interest accrued thereof shall be refunded to the Insurer – Appellant without delay.

8. The appeal is accordingly disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge