

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.344 of 2022

***Regional Manager,
New India Assurance Co. Ltd..***

.... Appellant

Mr.G.P.Dutta, Advocate

-versus-

Tarini Behera and another

.... Respondents

Mr.K.K.Das, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

**ORDER
29.9.2022**

Order No.

I.A.No.607 of 2022

1. The matter is taken up through Hybrid mode.
2. Upon hearing both parties and considering the grounds mentioned in the petition, delay in filing the appeal is condoned.
3. The I.A. is disposed of.

FAO No.344 of 2022

4. Heard Mr.Dutta, learned counsel for the Insurer-Appellant and Mr.Das, learned Advocate for claimant-Respondent No.1.

5. Present appeal by the Insurer is directed against impugned judgment/award dated 26th May, 2022 passed by the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Hqrs. in E.C.Case No.156/2014, wherein compensation to the tune of Rs.15,67,187/- has been granted along with interest on account of injuries sustained by the claimant in course of his employment as a labourer of a truck bearing registration no.OR-04-A-2576.

6. Upon hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.11,00,000/- consolidated is proposed to the parties. The same is agreed by Mr.Das, learned counsel for the claimant-Respondent No.1. Mr.Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

7. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Hqrs., the Commissioner is directed to disburse the modified consolidated amount of Rs.11,00,000/- (Eleven lakhs) with proportionate accrued interest thereof in favour of the claimant within a period of two months from today. The balance amount with proportionate accrued interest thereof shall be refunded to the Insurer-Appellant.

8. As submitted by the parties, such further order imposing penalty and interest by the Commissioner is waived.

9. The appeal is accordingly disposed of.

10. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge