

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.285 of 2021

M/s. National Insurance Company Ltd. Appellant

Mr. K.P. Das on behalf of Mr. Mrinalini Padhi, Advocate

-versus-

Dasarathi Nayak and Another Respondents

Mr. Debasish Pattnaik, Advocate for Respondent No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
10.02.2022

Order No.

03. 1. Heard Mr. K.P. Das on behalf of Mr. M. padhi, learned counsel for the Appellant and Mr. D. Pattnaik, learned counsel for the claimant – Respondent.
2. Present appeal is by the insurer challenging award dated 9th September, 2021 of the learned Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.49-D of 2017 wherein compensation to the tune of Rs.7,74,773/- has been awarded on account of injuries sustained by the claimant in the accident dated 28th January, 2017 in course of his employment.
3. It is submitted on behalf of the Appellant that the learned Commissioner has committed illegality by accepting disability of 40% and loss of earning capacity to the extent of 65% by relying on the prescription granted by P.W.2 who is not an authorized person to grant any disability certificate.

4. After hearing both parties, a reduced amount of compensation of Rs.6,25,000/- consolidated is proposed to the parties to which learned counsel for the Claimant – Respondent agrees and learned counsel for the Appellant leaves it to the discretion of the Court.

5. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same the consolidated amount of Rs.6,25,000/- along with accrued interest thereof be disbursed in favour of the claimant within a period of two months from today and the rest amount with proportionate interest accrued thereon be refunded to the Appellant.

6. With the aforesaid observations the appeal is disposed of.

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

(B.P. Routray)
Judge