

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.304 of 2021

The New India Assurance Co. Ltd. ***Appellant***
Mr. S. Roy, Advocate

-versus-

Pravat Kumar Senapati and another ***Respondents***
Mr. D. Pattanaik, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
11.02.2022

Order No.

01.

1. Heard Mr. S. Roy, learned counsel for the Appellant-Insurance Company as well as Mr. D. Pattanaik, learned counsel for the claimant-Respondent No.1.

2. Present appeal by the insurer against the judgment and award dated 8.10.2021 passed in E.C. Case No.93-D/2018 by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Cuttack wherein compensation to the tune of Rs.13,51,604/- has been granted to the claimant-Respondent No.1 on account of injury sustained in course of and arising out of the employment.

3. Mr. S. Roy, learned counsel for the Appellant-Insurance Company submits that the case of the Appellant regarding sustenance of injuries in course of employment is doubtful as the FIR was lodged over much delay and associate circumstances. Further the income of the injured has been taken at a higher side.

4. Having heard both the parties and without getting into the dispute further, the amount of compensation is reduced to Rs.9,50,000/- consolidated. Learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. S. Roy, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court.

5. Accordingly, the award amount is modified to the above extent that the Appellant-Insurance Company is directed to pay consolidated amount of compensation of Rs.9,50,000/- (rupees nine lakhs fifty thousand) to the claimant-Respondent No.1.

6. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.9,50,000/- along with proportionate accrued interest be disbursed in favour of the claimant-Respondent No.1 within a period of eight weeks from today and the balance amount along with accrued interest thereon shall be refunded to the Appellant-Insurance Company within the same period on proper application.

7. With aforesaid modification of the award, the FAO is disposed of.

8. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge