

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4213 OF 2016

Balu Kamlu Songal] ... Petitioner

Vs.

Commissioner for Workmen's]
Compensation & Ors.] ... Respondents

...

Ms. Karishma Rao for the petitioner.

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 08TH FEBRUARY, 2022.

P.C. :-

1. Despite service of notice on respondent Nos.2(a) to 2(d), no appearance is entered, either in person or through an advocate. The learned A.G.P. appears on behalf of respondent No.3.

2. Respondent No.1-Commissioner for Workmen's Compensation, 4th Labour Court, Thane, is a formal party and need not be arrayed. As such, respondent No.1 is deleted from the proceedings.

3. The issue before the court is very short. The Workmen's Compensation Court delivered its judgment on 15/06/2012 in Application (WCA) No.27/B-7/2007, holding in favour of the petitioner and granting compensation for an amount of Rs.3,80,957/- along with 12% interest upto realization and 50% penalty.

4. As the amount is not paid by respondent Nos.2(a) to 2(d) to the petitioner, Application (WCA) No.167/G-14/2013 was filed by the petitioner seeking issuance of a recovery certificate. The learned Workmen's Compensation Court issued a recovery certificate by directing the Collector, Thane to recover the entire decreed amount under Section 31 of the Employees' Compensation Act, vide order dated 05/11/2014. However, erroneously, the Registry of the Workmen's Compensation Court issued a recovery certificate only for an amount of Rs.3,80,957/-. It is informed that the recovery has not been made as the recovery certificate was defective.

5. In view of the above, this petition is allowed. The learned Commissioner, Workmen's Compensation & Judge, 4th Labour Court, Thane, is directed to cancel the recovery certificate dated 15/12/2014 and issue a proper recovery certificate on or before 28/02/2022 by considering '31/01/2022' as the date for calculating unpaid amount and ensuring that the amount of Rs.3,80,957/-

along with interest at 12% per annum till 31/01/2022 and 50% penalty, all are taken together, in the recovery certificate, which shall be issued on or before 28/02/2022.

6. The learned Registrar (Judicial-I) of this court is requested to forward a certified copy of this order to the learned Commissioner for Workmen's Compensation and Labour Judge, 4th Labour Court, Thane, in Application (Recovery) (WCA) No.167/G-14/2013, urgently.

[RAVINDRA V. GHUGE, J.]