



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**939 CIVIL APPLICATION NO. 8097 OF 2024
IN WP/10516/2022**

Naushad Multan Sayyad
VERSUS
Osama Rashidsab Masuldar

...
Advocate for Applicant : Mr. Patel Fayaz K.
Advocate for Petitioner in WP : Mr. Mohammad Waseemullah

...
CORAM : ARUN R. PEDNEKER, J.
Dated : August 09, 2024

PER COURT :-

1. This Court in CA/13879/2023 in WP/10516/2022, passed the detailed order on 02/05/2024 as regards the amount which was deposited before the authorities in respect of W.C.A.No.06/2016 deposited by the respondent, this Court has held that the present applicant has entitled to receive Rs.3,12,350/- along with the interest of 12% per annum from the date of accident till actual realisation of compensation amount.

2. In the above order dated 02/05/2024 this Court at paragraph No.2, 3 and 4 has observed as under : -

"2. The Labour Court in pursuance of the direction issued by this Court vide order dated 12.10.2022, passed order on 5.10.2023 in W.C.A. No.6/2016, which is as under :-

"1) Application is partly allowed.

2) The respondent No. 1 and 2 shall pay compensation amount of Rs.3,12,350/- (Rs. Three Lakh Twelve Thousand Three Hundred & Fifty only) to the petitioner along with simple interest @ 12% per annum from the date of accident till actual realisation of compensation amount.

3) The respondent No. 1 and 2 shall pay 25 % of

compensation amount as penalty to the petitioner.

4) The judgment is dictated and pronounced in open Court."

3) The learned counsel for the petitioner submits that the amount deposited is far beyond what is directed to be paid to the claimants. Therefore, the learned counsel submits that the Labour Court be directed to refund the balance amount after deducting the amount in terms of the order dated 5.10.2023 in W.C.A. No. 6/2016 along with accrued interest thereon. The learned counsel further prays to direct the Labour Court to consider the deducted amount as deposit made by the petitioner and to issue deposit certificate so as to enable the petitioner to file appeal against the impugned order.

4) In view of the above, I deem it appropriate to allow the application in terms of prayer clauses 'B' and 'C', which are as under :-

"B) The Ld. Commissioner for E.C. Act and judge, Labour Court at Latur may kindly be directed to refund the balance amount after deducting the amount passed vide order dated 05/10/.2023 in Case No.6/2016 forthwith.

C) The Ld. Commissioner for E.C. Act and Judge, Labour Court at Latur be directed to consider the deducted amount as deposit made by the applicant and issue deposit certificate for filing First Appeal."

3. In view of the order passed by this Court whereby the respondents are permitted to withdraw the balance amount, the

applicant herein is also permitted to receive compensation in terms of order dated 05/10/2023 in WCA No.06/2016. The Commissioner to first grant the amount in terms of the order dated 05/10/2023 to the claimants and the balance amount be refunded to the respondent in terms of the order dated 02/05/2024.

4. In view of the above, application is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.