



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 CIVIL APPLICATION NO. 13879 OF 2023
IN WP/10516/2022

Osama Rashidsab Masuldar

VERSUS

Naushad Multan Sayyad

...

Advocate for Applicant : Mr. Mohammad Waseemullah

...

CORAM : ARUN R. PEDNEKER, J.

Dated : May 02, 2024

PER COURT :-

1. Heard the learned counsel for the applicant/petitioner.
2. The learned counsel for the petitioner/applicant submits that notice in the matter was issued, but non has entered appearance. The learned counsel submits that this Court by order dated 12.10.2022 set aside the the award dated 1.3.2019 passed by the Commissioner for Employees Compensation Act and Judge, Labour Court Latur in application W.C.A. No. 6/2016 and the matter was remanded back to the Labour Court for deciding it afresh with a direction to the petitioner to deposit amount of Rs.7,68,852/- along with awarded interest till date of the order within a period of six weeks. The learned counsel further submits that petitioner was directed to pay cost of Rs.50,000/- directly to the respondent by way of D.D. within a period of four weeks. The learned counsel submits that pursuant thereto the petitioner has deposited amount of Rs.14,53,130/- before the Labour Court.
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.
- 5) No order as to costs."

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.”

5) With the above directions, civil application is disposed of.

(ARUN R. PEDNEKER, J.)

ssc/