

Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL UNDER WORKMENS COMPENSATION ACT
NO. 1 OF 2024

WITH
CIVIL APPLICATION NO. 52 OF 2024
THE ORIENTAL INSURANCE
CO. LTD. REP. THR. POA
SUNIL ARLEKAR ... APPELLANT

VERSUS

PRITAM KUMARI AND 2 ORS. ...RESPONDENTS

Mr. Purushottam Karpe, Advocate for the Appellant.

Mr. Girish Sardessai with Ms. Smrati Bangera, Advocates for
the Respondent No.2.

Mr. S. N. Joshi with Ms. Swapna Joshi, Advocates for the
Respondent No. 3.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 10th October, 2024

ORAL ORDER.

1. Heard Mr. Karpe learned counsel appearing for the
Appellant, Mr. Girish Sardessai learned counsel for
Respondent No. 2 and Mr. S. N. Joshi for Respondent No. 3.

2. Respondent No. 1 and 1A were duly served and an

affidavit of service is placed on record, however, none appeared.

3. After hearing the parties at some length, it is now submitted by learned counsel Mr. Joshi that the Contractor/Respondent No.3 has paid an amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) to the legal heirs of the deceased, as an interim compensation. He submits that thereafter, the impugned order was passed by the Commissioner directing to pay compensation to the amount of Rs.16,70,325/- (Rupees Sixteen Lakhs Seventy Thousand and Three Hundred and Twenty Five only), together with an interest @ 12% per annum.

4. Mr. Karpe learned counsel appearing for the Appellant challenged a part of such order whereby the Commissioner imposed interest of 12% on the total amount of Rs.16,70,325/- (Rupees Sixteen Lakhs Seventy Thousand and Three Hundred and Twenty Five only) and directed the Appellant to pay such amount.

5. Mr. Karpe submits that as per the insurance policy there is exclusion of liability to pay interest by the Appellant. He, however, submits that the Appellant has deposited an amount of Rs. 2,25,000/- (Rupees Two Lakhs Twenty Five Thousand only) towards interest at the time of arguing the present petition on the last date.

6. Without going into the merits or otherwise of the matter, the petition could be disposed of, since Respondent No.3 has already paid an amount of Rs.2,50,000/-(Rupees Two Lakhs Fifty Thousand only) to the Legal heirs of the deceased. Apart from this, the Appellant has already deposited an amount of Rs. 16,70,325/- (Rupees Sixteen Lakhs Seventy Thousand Three Hundred and Twenty Five only) which is the compensation calculated by the Commissioner, with the concerned authorities.

7. It is now reported that the interest of 12% comes to Rs.2,25,700/- (Rupees Two Lakhs Twenty Five Thousand Seven Hundred only). The amount which is paid by

Respondent No. 3 i.e. Rs. 2,50,000/-(Rupees Two Lakhs Fifty Thousand only) to the legal heirs of the deceased could be adjusted towards the interest part.

8. Mr. Joshi learned counsel appearing for the Contractor/Respondent No. 3 fairly submits that since such an amount is already paid, it could be adjusted as interest part. Accordingly, the Appellant could be allowed to withdraw the amount of Rs.2,25,700/- (Rupees Two Lakhs Twenty Five Thousand Seven Hundred only) deposited with this Court towards the interest part.

9. The record clearly goes to show that now the order passed by the Commissioner dated 15/03/2024 is accordingly, fully complied with.

10. The questions which has been raised in the present petition as well exclusion of interest as mentioned in the policy could be taken up in any other appropriate proceedings. Accordingly, such grounds are kept open.

11. Since, none appeared on behalf of the Respondent No.1, the amount which is already paid by Respondent No. 3 to the Legal Heirs is adjusted towards the interest part and accordingly, an amount which the Appellant has paid before this Court as 12% interest on the entire compensation is allowed to be withdrawn.

12. With this understanding, the present petition stands disposed of. Civil Applications stand disposed of, accordingly.

BHARAT P. DESHPANDE, J.