



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2446/2024

United India Insurance Co. Ltd., through its Regional Manager, Nagpur

Vs.

Nalini wd/o Babaraoji Kavare and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Dr. C.C. Anthony, Advocate for petitioner
Shri Ashok Khadatkhar, Advocate h/f Ms S.W. Deshpande, Advocate for respondent Nos.1 to 6
Shri B.N. Mohata, Advocate for respondent No.7
Shri A.A. Dhawas, Advocate for Intervenor

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 07.05.2025

Heard learned Counsel for respective parties.

2. Learned Counsel for petitioner is ready to deposit the amount of compensation as calculated by the Commissioner as Rs.1,13,953/-. However, the petitioner is disputing the interest part. It is submitted that the interest is awarded on higher side.

3. It is contention of the petitioner that the said amount is towards tax deducted as source and that is paid as per the Rules of Income Tax Department. However, they are ready to deposit the amount of Rs.1,13,953/- as per calculation.

4. In my considered opinion, the amount of interest of 12% is not justified. In view of fact that the said amount was towards tax deducted at source, it also needs to be considered that the said amount was not received by the respondent herein. As such, for the sake of equity, it would be appropriate to grant 6%

interest on the amount recoverable i.e. Rs.1,13,953/-. Accordingly, the order passed by the Commissioner under the Workmen Compensation Act is hereby modified.

5. As such, the amount recoverable is Rs.1,13,953/- along with 6% interest per annum from the date of filing of the application i.e. 23.06.2020 till its realisation from the respondents.

6. The petitioner shall deposit the said amount with interest at the rate of 6% as referred above within a period of four weeks before the Commissioner, Labour Court and petitioner is at liberty to claim for refund of the same from Income Tax Department.

7. The Writ Petition is disposed of in above modification.

JUDGE

R.S. Sahare