IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.76 of 2026
CNR No. ODHC010027522026

Manager Legal, M/s. Tata AIG General Insurance Co. Ltd., Khurda .... ***Appellant***
Mr. A.A. Khan, Adv.

-versus-

Samapta Palai and Another .... ***Respondents***
Mr. D Patnaik, Adv.
(for Res. No.1)

CORAM:
THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
30.10.2026

Order No. **I.A. No.**

2. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard.

3. This I.A has been filed seeking condonation of delay in filing the appeal.

4. Considering the grounds taken in the I.A, the delay in filing the appeal is condoned subject to payment of cost of Rs.1500/-to be paid before the Juvenile Justice Board.

5. The I.A. stands disposed of.

(Biraja Prasanna Satapathy)
Judge

3. **FAO NO.76 of 2026**

1. Heard learned counsel appearing for the parties.

2. This appeal has been filed *inter alia* challenging the award passed by the learned Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.124 of 2021. Vide the said judgment dtd.18.06.2025, learned Commissioner held the Claimant-Respondent entitled to get compensation amount of Rs.26,80,104/-, within a period of 30(thirty) days from the date of order, along with 50% penalty with interest @ 12% per annum, if the award amount is not deposited within the stipulated time.

3. While assailing the impugned award, learned counsel appearing for the appellant contended that the Medical Board assessed the disability of the appellant to the extent of 40%, but P.W.2-the treating physician of the respondent assessed the disability of the respondent No.1 to the extent of 50% exceeding the assessment done by the Medical Board and as such the same should not have been accepted by the learned Tribunal.

3.1. It is also contended that the loss of earning capacity to the extent of 90% so assessed by P.W..2, is not in consonance with the mandate of Sec.4(i)(c) (ii) of the E.C. Act.

3.2. It is further contended without any documentary evidence, learned Tribunal assessed the monthly wages of the appellant as Rs.15,000/- and thereby assessed the compensation at a higher side. It is also contended that as per the terms and conditions of the Insurance Policy, the appellant is not liable to pay penalty as well as interest on the compensation amount.

3.3. It is accordingly contended that had the learned Commissioner would have appreciated the contentions so raised by the appellant-company, compensation could have been assessed at a lower side.

3.4. Making all these submissions, learned counsel for the appellant contended that the impugned award needs interference of this Court.

4. Even though Mr. D.Pattanaik, learned counsel appearing on behalf of claimant-Respondent No.1 supported the impugned judgment, but contended that Claimant-Respondent No.1 will be fully satisfied, if this Court will allow compensation amount of Rs.11,80,000/- consolidated in favour of Respondent No.1 along with accrued interest on the said sum.

5. Learned counsel for the Appellant to the aforesaid submissions of the learned counsel for the Claimant-Respondent left the same to the discretion of this Court.

6. Having heard learned counsel for the parties and considering the submissions made, this Court while interfering with the impugned judgment, held the claimant-respondent entitled to get compensation amount of Rs.11,80,000/- consolidated along with accrued interest if any in full and final settlement of his claim. While holding so, this Court directs learned Commissioner to release an amount of Rs11,80,000/- consolidated in favour of the claimant-respondent within a period of 4(four) weeks from the date of receipt of this order along with accrued interest, if any, from the date of deposit till the date of payment. Residue amount along with accrued interest if any, be released in favour of the appellant-company within the aforesaid time period also.

7. The appeal is accordingly disposed of.

Signature Not Verified
Digitally Signed
Signed by: SANGITA PATRA
Reason: AUTHENTICAITON OF ORDER
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 07-Nov-2026 15:54:01

(Biraja Prasanna Satapathy)
Judge