CGHC010402592026 2026:CGHC:46162

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2446 of 2026

1 - Tata A. I. G. General Insurance Company Limited Through Its Legal Manager, Penisulla, Business Park Tower-A, 15 Floor, G.K. Marg, Lower Parel, Mumbai-4000013, Present And Correct Address Jeet Plaza, Second Floor, Bilaspur Road, Fafadih Chowk, Raipur C.G.

... Appellant(s)

versus

1 - Smt. Sunita W/o Late Dashmi Kumar Aged About 27 Years R/o Village Sipah, Tilathiya, Post Jahurabad, District Gazipur U.P.

2 - Manager, Alankar Alloys Pvt. Ltd., Address Borjhara, Guma Road, Raipur, District Raipur C.G.

3 - Director, Alankar Alloys Pvt. Ltd., Address Street No.4, Aman Nagar, Ashoka Heights, Ward No.27, Mowa, Shankar Nagar, Raipur, District Raipur C.G.

... Respondent(s)

For Appellant(s) : Mr. Sourabh Gupta, Advocate

Hon’ble Shri Justice Sachin Singh Rajput

Judgment on Board

02/11/2026

Heard on IA No. 02 – application for condonation of delay in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 4 days in filing the appeal is hereby condoned.

3. Also heard on admission.

4. This appeal under Section 30 of the Employees' Compensation Act, 1923 (for short, 'the Act of 1923'), has been preferred by the appellant/Insurance Company challenging the award dated 27.07.2026 passed by the learned Commissioner, Employees' Compensation Act, Labour Court No. 1, Raipur (C.G.) (for short, 'the Commissioner'), in Case No. 21/EC Act/2023 Fatal. By the impugned award, the learned Commissioner has awarded compensation of Rs.15,12,450/- along with interest at the rate of 12% per annum in favour of respondent No. 1 on account of the death of deceased Dashmi Kumar, who sustained fatal injuries in an accident that occurred on 18.01.2023 during and in the course of his employment with respondent Nos. 2 & 3.

5. The claim application under Section 22 of the Act of 1923 was filed by the respondent No. 1 / claimant seeking compensation.

6. The pleadings in the claim application the respondent Nos. 2 and 3 were the employers of the deceased, Dashmi Kumar, who was engaged in a rolling mill. Respondent No. 3 was insured with the appellant/Insurance Company, and the employees were also covered under the insurance policy, which was valid for the period from 12.07.2022 to 11.07.2023. On 18.01.2023, at about 7:15 a.m., the deceased met with an accident within the factory premises and was immediately taken to the hospital, where he succumbed to his injuries during the course of treatment. His post-mortem examination was conducted, and the incident was reported to Police Station Urla, District Raipur (C.G.), pursuant to which Crime No. 35/2023 was registered. It was further pleaded that the deceased was earning Rs.25,000/- per month and was aged about 33 years at the time of the accident. Accordingly, a compensation of Rs.15,12,450/- was claimed.

7. The claim application was contested by respondent Nos. 2 and 3 by filing their written statement, wherein they denied the averments made in

the claim application. They pleaded that the deceased workman was insured with the appellant/Insurance Company and, therefore, the liability to pay compensation rests upon the appellant/Insurance Company.

8. The appellant/insurance company also filed its written statement, denying the averments made in the claim application. It was pleaded that there had been a violation of the terms and conditions of the insurance policy and, therefore, the appellant/insurance company was not liable to pay the compensation or interest thereon.

9. The following issues have been framed by the learned Commissioner:

Issue	Conclusion
Whether the applicant's husband, Dashmi Kumar, died on 18.01.2023 as a result of an accident arising out of and in the course of his employment with the non-applicants?	Proved
What was the age and monthly income of the deceased at the time of the accident?	The age of the deceased was proved to be 33 years; however, his income could not be proved.
Whether the deceased workman, Dashmi Kumar, was validly insured with respondent No. 3 on the date of the accident, i.e., 18.01.2023? If so, its effect?	Proved
Whether the applicant, being the legal dependent of the deceased workman, is entitled to receive compensation from the non-applicants? If so, to what extent and from which of the non-applicants?	Yes. The applicant is entitled to recover a total compensation of Rs. 15,12,450/- along with interest from non-applicant

	No. 3.
Relief and costs	As per paragraph 23 of the impugned judgment passed in the claim proceedings.

10. The parties led evidence in support of their respective pleadings. On assessment of the evidence and material available on record, the learned Commissioner awarded the aforesaid compensation. Assailing the same, this appeal has been filed.

11. Learned counsel for the appellant / insurance company submits that although the appellant / insurance company is not challenging either the quantum of compensation or its liability to pay the same, the terms and conditions of the insurance policy specifically exclude the liability to pay interest. He further submits that the policy contains an exclusion clause to that effect. Therefore, the appeal involves a substantial question of law and deserves to be admitted.

12. Heard learned counsel for hrte appellant and also perused the impugned award.

13. The only contention raised by Mr. Gupta, learned counsel for the appellant/insurance company, is that no interest is payable in view of the exclusion clause contained in the insurance policy. While considering Issue No. 4, framed with regard to the liability of respondent Nos. 2 and 3 and the appellant/insurance company to pay compensation, the learned Commissioner, in paragraph 18 of the impugned award, categorically held that the appellant/insurance company had not adduced any documentary or oral evidence to substantiate its pleadings. It was further observed that

mere pleadings do not amount to proof. Accordingly, the learned Commissioner held the appellant/insurance company liable to pay interest also.

14. As this is an appeal under Section 30 of Act of 1923 the relevant provision is required to be quoted hereinbelow:-

> **30. Appeals.—**(1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely:—
>
> (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;
>
> (aa) an order awarding interest or penalty under Section 4A;
>
> (b) an order refusing to allow redemption of a half-monthly payment;
>
> (c) an order providing for the distribution of compensation among the dependants of a deceased employee, or disallowing any claim of a person alleging himself to be such dependant;
>
> (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of Section 12; or
>
> (e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:
>
> **Provided that** no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than ten thousand rupees or such higher amount as the Central Government may, by notification in the Official Gazette, specify.
>
> **Provided further that** no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.
>
> **Provided further that** no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.
>
> (2) The period of limitation for an appeal under this section shall be sixty days.
>
> (3) The provisions of Section 5 of the Limitation Act, 1963 (36 of 1963), shall be applicable to appeals under this section.

15. Thus, in order to admit an appeal under Section 30 of Act, 1923, involvement of substantial question of law is necessary.

16. From the award, it appears that the appellant / insurance company did not adduce any documentary or oral evidence in support of its pleadings. The appellant / insurance company was required to prove the defence by cogent and prudent evidence. As no evidence is led by the appellant / insurance company to substantiate its pleading in view of this Court no substantial question of law appear to be involved for admission of this appeal. In view thereof, this Court does not find any illegality or irregularity committed by learned Commissioner in the passing of the impugned award.

16. Accordingly, the appeal fails and is hereby dismissed at the admission stage.

17. No cost.

Sd/-
(Sachin Singh Rajput)
JUDGE

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