IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO. 8242 OF 2025
IN FA/1014/2025

SUNITA RAMESHWAR AMBORE AND ORS
....Applicants

VERSUS

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY THROUGH EXECUTIVE ENGINEER AND ANR
.....Respondent

WITH
FIRST APPEAL NO. 1014 OF 2025

Mr. S. B. Ghatol Patil, Advocate for the Applicants
Mr. A. S. Shelke, Advocate for the Respondent

CORAM : ABHAY J. MANTRI, J.
DATE : 08th MAY, 2026

PER COURT :

CA/8242/2025

1. The applicants/Original Respondents have moved this Application to permit them to withdraw an amount of Rs. 18,38,543/- deposited by the respondent herein before the learned Trial Court along with interest thereupon.

2. Heard the learned Advocates for both parties and perused the impugned judgment and record.

3. Learned Advocate for the Respondent opposed this application. He contended that the learned Trial Court failed to issue

notice under Section 4-A of the Employees Compensation Act 1923, which was mandatory, and therefore, awarding 50% penalty is contrary to the mandate of said section. Therefore, he objected to the withdrawal of the said penalty amount. He further denied the employer-employee relationship and, therefore, urged that the Applicants are not entitled to compensation.

4. However, on perusal of the impugned judgment, it appears that the learned Judge, after considering the evidence on record in para 11, categorically held that there is an employer-employee relationship between the deceased workman and Respondent Nos. 1 and 2 and held them to pay the compensation and therefore, partly allowed the claim petition. Therefore, having considered the said findings and the submissions advanced by the learned Advocates for the parties, I deem it appropriate to permit the Applicants to withdraw 50% of the compensation amount, together with accrued interest thereon.

5. As a result, **the Application is partly allowed in terms of the prayer Clause B.**

6. Accordingly, the Applicants are permitted to withdraw 50% of the compensation amount along with proportionate accrued interest thereon.

7. Learned Trial Court is directed to transmit 50% of the compensation amount, i.e. Rs. 4,15,960/-, along with accrued interest thereon, to the bank account of Applicant No.1, i.e., the widow, within six weeks on her furnishing bank account details to the learned Court.

8. It is made clear that at this stage, the applicants are not entitled to withdraw the amount under the head of penalty as awarded by the learned Trial Court.

9. The Application is disposed of.

FA/1014/2025

1. Heard the learned Advocates for both the parties and have gone through the impugned judgment and record.

2. Having considered the grounds raised by the Appellant in clause Nos. (IV) to (VI) and (XII) & (XIII) in the Appeal memo, I deem it appropriate to consider the said grounds as a substantial question of law. Hence, **the Appeal is 'Admitted'**.

3. Issue notice to the Respondents, returnable on **29-06-2026**. Mr. Patil, learned Advocate, waives service of notice for the Respondent Nos. 1 to 5.

4. Call Record & Proceedings.

[ABHAY J. MANTRI, J.]