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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 128/2025 and CM APPL. 28809/2025 (stay)**
NEW INDIA ASSURANCE CO LTDAppellant
Through: Ms.Kanchan Kaur Dhodi, Advocate

versus

SMT LAUNG SHREE AND ORS.Respondents
Through: Mr.Chandan Prajapati, Ms.Arati Sharma
and Mr.Vikrant Malwal, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **19.01.2026**

1. By way of the present appeal, the appellant/Insurance Company seeks to assail the order dated 27.01.2025, passed by the learned Commissioner, Employees Compensation Act, 1923 (Shahdara & North East District), whereby the appellant was directed to deposit the award amount, while the employer/respondent No. 6 herein was directed to pay the penalty.
2. Notably, the claim petition was filed in the context of death of one *Sh. Shiv Kumar @ Pappu*. He was stated to be employed as a driver with the appellant (respondent No.1 therein), on vehicle bearing No. UP-76K-7284 (Truck) which met with an accident on 13.02.2017, resulting in fatal injuries to the deceased. The learned Commissioner, while noting the facts and the evidence therein, and considering that at the time of accident, the said vehicle was insured and the insurance policy was valid and subsisting on the day of the accident, directed the insurance company to pay the compensation amount. On the present appeal being filed, the Predecessor Bench, while issuing notice on 13.05.2025, came to the conclusion that the employer-



employee relationship stood proved in the claim proceedings. Considering the limited scope of Section 30 of the Act, wherein substantial question of law is to be looked into, the Court did not find any merit in the contentions raised on the aforesaid aspect.

3. Though a limited notice was issued as to the imposition of penalty under Section 4A(3)(b) of the Act, however, concededly, the said penalty was not imposed upon the insurance company, but on the employer, who has not assailed the award.

4. Considering that the entire award amount has been deposited, out of which 50% has already been released as noted in the order of this Court dated 13.05.2025, let the remaining 50% of the award amount be also released to the claimant, alongwith the interest accrued thereupon the said amount.

5. In view of the above, the present petition is disposed of, alongwith the pending application.

MANOJ KUMAR OHRI, J

JANUARY 19, 2026

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