

03            30.08.2013

Receipt showing deposit of the awarded amount is filed in Court today.

Heard learned counsel for the parties.

This appeal by the appellant-Insurance Company is directed against the judgment/award dated 10.05.2013, passed by the Commissioner for Employee's Compensation, Cuttack, in W.C.Case No.294-D of 2011, awarding an amount of Rs.5,91,180/- as compensation to be deposited within 30 days, failing which interest @ 9% per annum shall be payable.

Learned counsel for the appellant-Insurance Company submits that as the owner of the vehicle no.OR-05-AG/1175 had given an affidavit to the Investigator of the Insurance Company that the claimant was not employed under him and he had never seen the claimant, the Commissioner has not taken note of the said fact while passing the impugned award.

On a perusal of the impugned award, it is seen that pursuant to the notice, the owner of the vehicle appeared before the Commissioner and filed written statement admitting that the claimant was working as a helper in his truck no.OR-05-AG/1175 and sustained injuries in an accident on 31.01.2011, which arose out of and in course of his employment. Further, the owner has also appeared and adduced evidence as O.P.W.1 in support of the averments made in the written statement.

Considering the grounds taken in the appeal and the submissions made by the learned counsel for the parties

and keeping in view the findings of the Commissioner as given in the impugned award with regard to the quantum of compensation amount awarded and the basis on which the same has been arrived at, I feel, the interest of justice would be best served, if the awarded compensation amount of Rs.5,91,180/-is modified and reduced to Rs.4,30,000/-, which is payable to the claimant, on which no interest is payable. The impugned award is modified to the said extent.

The Commissioner for Employee's Compensation, Cuttack, is directed to disburse the modified compensation amount of Rs.4,30,000/- along with the accrued interest thereon to the claimant on proper identification. The balance amount along with the accrued interest shall be refunded to the appellant-Insurance Company.

FAO is accordingly disposed of.

(S.C.PARIJA, J.)

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