



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.562 of 2024

The Manager, M/s. Magma Appellant(s)
HDI General Insurance Co.
Ltd., Kolkata

Mr. Girija Prasad Dutta, Adv.

-versus-

Smt. Jhunu Das & Ors. Respondent(s)
Mr. Biranchi Narayan Rath, Adv.

CORAM:

HON'BLE DR.JUSTICE SANJEEB K. PANIGRAHI

Order
No.

ORDER
20.08.2025

01. 1. This matter is taken up through hybrid arrangement.
2. The present appeal at the instance of the Insurance Company is directed against the judgment/award dated 31.07.2024 passed by the learned Commissioner for Employees Compensation -cum- Divisional Labour Commissioner, Berhampur in E.C. Case No.62 of 2014, wherein compensation to the tune of Rs.16,35,429/- has been granted on account of death of one Gandhiya Das in course of his employment as a labour of the Tractor bearing registration No.OR-07-X-0711.
3. Heard learned counsel for the respective Parties.
4. Mr. Dutta, learned counsel for the Appellant though vehemently disputes the liability on the ground of non-payment of premium to the appellant for covering the risk





of the deceased, in view of the judgments reported in 2009(2) OLR 982 and 2013 (2) OLR 359 the said contention is rejected. Further, he also disputes the income and age of the deceased, but in absence of any evidence adduced from the side of the insurer on the income and age, the said contention is rejected.

5. Having heard both the parties, considering the ground of challenge, this Court finds that a reduced compensation of Rs.11,25,000/- (Rupees Eleven lakh twenty-five thousand only) as consolidated is proposed by Mr. Dutta, learned counsel for the Appellant which is also agreed by Mr. Rath, learned counsel for the Claimants. Mr. Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to the said extent.

6. Since the entire awarded amount has been deposited before the learned Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Berhampur, Ganjam, this Court directs the learned Commissioner to disburse the reduced consolidated amount of Rs.11,25,000/- (Rupees Eleven lakh twenty-five thousand only) with proportionate accrued interest thereon in favour of the claimants within a period of two months from today. The balance amount with accrued interest thereon shall be refunded to the Appellant/Insurance Company. However, penalty and



penal interest @ 12% as directed by the Commissioner is waived.

7. This FAO is, accordingly, disposed of.

(Dr. Sanjeeb K. Panigrahi)
Judge

Ayaskanta