



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.524 of 2025

*The Senior Executive, Legal
Claims, S.B.I. General Insurance
Co. Ltd.,*

..... *Appellant(s)*
Mr. Somnath Roy, Adv.

-Versus-

Md. Aziz & Anr.

..... *Respondents*
Mr. Karunakar Das, Adv.
Mr. S. Patra, Adv.

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

19.12.2025

Order No.

- 02.
1. This matter is taken up through hybrid arrangement.
 2. Heard learned counsel for the Parties.
 3. The present appeal by the Insurer is directed against the impugned judgment/award dated 17th October, 2025 passed by the Commissioner for Employee's Compensation-Joint Labour Commissioner, Bhubaneswar in E.C. Case No.08 of 2024, wherein compensation to the tune of Rs.16,20,193/- along with interest @ 12% from the date of accident has been granted on account of the



injuries sustained by the claimant/Respondent No.1 in course of his employment as a helper of the Truck bearing registration No.OR-09-K-4556.

4. Mr. Roy, learned counsel for the Appellant contended that as no employment proof was filed by the Respondent No.2 for which employer and employee relationship between the Respondent No.2 and the claimant/Respondent No.1 was not established. It is also contended that the learned Commissioner has erred in law in holding that the Respondent No.1 sustained injuries in R.T.A. whereas no F.I.R. was lodged in connection with the accident. It is also submitted that the physical disability and loss of earning capacity of the Respondent No.1 at 60% and 85% respectively as assessed by the learned Commissioner is erroneous in absence of any disability certificate issued by Medical Board. It is also submitted that the wage of the Respondent No.1 assessed by the learned Commissioner at Rs.15,000/- per month is based without any documentary evidence and not in consonance with the Minimum wages of an unskilled workman as fixed by the labour and ESI Department of Government of Odisha. However, in



absence of any rebuttal evidences adduced from the side of the appellant, said contentions are rejected.

5. Having heard both the parties and considering all such grounds of challenge advanced and evidences available on record, a reduced compensation of Rs.9,75,000/- consolidated is suggested to Mr. Das, learned counsel for the Respondent No.1 in course of hearing. The same is agreed by Mr. Das, learned counsel for the claimants. Mr. Roy, 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 Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack, the Commissioner is directed to disburse the reduced consolidated amount of Rs.9,75,000/- (Rupees Nine Lakh Seventy-Five Thousand Only) with proportionate accrued interest thereon in favour of the claimant within a period of two months from today. The balance amount with proportionate accrued interest thereon shall be refunded to the Insurer-Appellant. However, penalty and penal interest @ 12% as directed by the learned Commissioner is waived.



7. The Appeal is, accordingly, disposed of.

8. Urgent certified copy of this order be granted on proper application.

(Dr. Sanjeeb K Panigrahi)
Judge

Sumitra