



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.505 of 2025

*The Divisional Manager (Legal),
M/s. New India Assurance
Company Limited, Cuttack*

..... *Appellant(s)*

Mr. Gopal Chandra Samantaray, Adv.

-Versus-

Sujata Tripathy & Ors.

..... *Respondent(s)*

*Mr. Kapila Charan Nayak, Adv.
(for R-1 to 3)*

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

17.12.2025

Order No.

- 01.
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 15.10.2025 passed by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Cuttack in E.C. Case No.133/2022, wherein compensation to the tune of Rs.16,60,109/- has been granted on account of death of the deceased who died during the course of his



employment as a helper of the Tipper bearing registration No.OD-29-C-0239.

4. Mr. Samantaray, learned Counsel for the Appellant though vehemently disputes the employment, death and income of the deceased, but in absence of any evidence adduced from the side of the insurer the said contention is rejected.

5. Having heard both the parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.10,25,000/- consolidated is proposed to the parties in course of hearing. The same is agreed by Mr. Nayak, learned counsel for the claimants. Mr. Samantaray, 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-Divisional Labour Commissioner, Cuttack, the Commissioner is directed to disburse the reduced consolidated amount of Rs.10,25,000/- (Rupees Ten lakhs Twenty-Five Thousand) with proportionate accrued interest thereon in favour of the claimants within a period of two months from today. The balance amount of Rs.6,35,109/- (Rupees Six Lakhs Thirty-Five Thousand One Hundred Nine) with



proportionate accrued interest thereon shall be refunded to the Insurer-Appellant. However, 50% of penalty and penal interest @ 12% as directed by the Commissioner is waived.

7. The Appeal is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge