



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.507 of 2025

*The Manager,
New India Assurance Co. Ltd.*

..... *Appellant(s)*
Mr. P.K. Mahali, Adv.

-Versus-

Zakir Saha & Anr.

..... *Respondent(s)*
Mr. Debasish Patnaik, Adv.

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

17.12.2025

I.A. No.1029 of 2025

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. Mr. Debasish Patnaik, learned counsel entered appearance on behalf of the Respondents and files Vakalatnama in Court today. The same be kept on record.
3. This I.A. is filed seeking one month time to file the receipt showing deposit of the awarded amount before the learned Commissioner.
4. Heard.
5. It appears that the receipt showing deposit of the awarded amount has been filed by the Appellant. Hence, this I.A. has rendered infructuous.
6. This I.A. is, accordingly, disposed of.



FAO No.507 of 2025

7. The present appeal at the instance of the Insurance Company is directed against the judgment/award dated 30.10.2025 passed by the learned Commissioner for Employees' Compensation-cum-Divisional Labour Commissioner, Jagatsinghpur in E.C. Case No.29/2022, wherein compensation to the tune of Rs.29,85,669/- has been granted on account of injuries sustained by the claimant-Respondent No.1 during course of his employment as a Driver of the Auto bearing registration No.OD-22-F-9419.
8. Heard learned counsel for the respective Parties.
9. Learned counsel for the Appellant though vehemently disputes the disability and income of the injured, took a specific ground that the injured driver had sustained 50% disability and loss of earning capacity as 90% which is assessed by the treating doctor is not correct as the medical board Bhadrak issued disability certificate showing 60% temporary in nature and the same is likely improve. Hence, the learned Commissioner should not have accepted the disability aspect and loss of earning capacity as assessed by the concerned Doctor. He further contends that as per the disability certificate issued by the C.D.M.O, Bhadrak the injured-driver had sustained 60% temporary disability. The said fact was suppressed by the claimant-Respondent No.1. The



disability certificate and it's related documents filed by the Appellant in I.A. No.1042 of 2025 are accepted by the counsel for the Respondent No.1. The submission regarding the disability and loss of earning capacity is reduced and the same is accepted by the learned counsel for the Respondent No.1.

10. Having heard both the parties and considering the grounds of challenge, this Court finds that a reduced compensation of Rs.5,00,000/- (Rupees five lakhs only) is proposed to the parties in course of hearing. The same is also agreed by Mr. Debasish Patnaik, learned counsel for the Claimant-Respondent No.1. Learned counsel for the Insurer leaves it to the discretion of this Court. Accordingly, the amount is reduced to the said extent.

11. Since the entire awarded amount has been deposited before the learned Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Jagatsinghpur in the above noted E.C. Case, this Court directs the learned Commissioner to disburse the reduced consolidated amount of Rs.5,00,000/- (Rupees Five lakhs only) with proportionate accrued interest thereon in favour of the claimant(s) within a period of two months from today. The balance amount of Rs.24,85,669/- with proportionate accrued interest thereon shall be refunded to the Appellant/Insurance Company. However, the penalty 50% and



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

12.This FAO is, accordingly, disposed of.

I.A. Nos.1093 & 1042 of 2025

13.In view of the order passed today in FAO No.507 of 2025, both these I.As are disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu