



FAO-362-1994 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

S.No.152

FAO-362-1994 (O&M)
Date of decision : 20.5.2025

The New India Assurance Co. Ltd.

... Appellant

VERSUS

Savitri Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Deepak Suri, Advocate, for the appellant.

PANKAJ JAIN, J. (Oral)

Challenge is to the order dated 12.11.1993 passed by the Commissioner under Workmen's Compensation Act. The insurance company is disputing its liability qua the payment of interest as well as penalty. Mr. Suri does not dispute that in terms of the settled law, the insurance company is liable to pay interest in terms of Section 4B of the Act. He, however, submits that liability to pay penalty has to be shouldered by the employer.

2. In view thereof, the impugned award is modified to the extent that the appellant is exonerated of liability to pay penalty i.e. 30% of the awarded amount. The same shall be paid by employer i.e. respondents No.5 and 6. However, award with respect to grant of compensation and interest thereon and the liability of the appellant is ordered to be maintained.

3. Disposed of accordingly.

(PANKAJ JAIN)
JUDGE

May 20, 2025

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No