

BEFORE SH. S. C. YADAV, COMMISSIONER
(UNDER EMPLOYEE'S COMPENSATION ACT, 1923)
LABOUR DEPARTMENT, GOVT. OF NCT OF DELHI
5 – SHAM NATH MARG, DELHI-110054

No. WC/222/NW/15/ 199.

Dated: 21/01/2025.

In the matter of:

Sh. Gurmit Singh S/o Sh. Rulda Singh
R/o H. No. 130, Village – Balewal,
Tehsil – Batala, District – Gurdaspur,
Punjab-143505

.....Claimant

Versus

1. Sh. Shinghara Singh
M/s DBT Transport Company
C/o Libra Filling Station, GTK Road,
Opposite - Jahangirpuri, Delhi-110033

2. M/s Chola MS General Insurance Co. Ltd.
Plot No. 6, Pusa Road near Metro Pillar No. 81,
New Delhi-110005

.....Respondents

ORDER

1. Vide this order, I will dispose of application dated 21.12.2024 filed by claimant under section 4A of the EC Act, 1923.
2. The issue is limited in this case to the extent of penalty under section 4A of the Employee's Compensation Act 1923. Show Cause Notice bearing no. WC/222/NW/15/187 dated 03.01.2025 was issued to the respondents to show cause as to why penalty be not imposed upon them under section 4A of the Employee's Compensation Act, 1923. This case has been decided vide order dated 29.04.2024 holding entitlement to claimant to receive death compensation amounting Rs. 9,34,272/- alongwith 12% simple interest w.e.f. 01.02.2015 till its realization with direction to Respondent No. 2 i.e. M/s Chola MS General Insurance Co. Ltd. within 30 days from pronouncement of the order by way of Demand Draft. The Ordered amount alongwith interest was deposited by Respondent No. 2 on 06.08.2024 and same was disbursed to the claimant vide disbursement order dated 22.08.2024. But the Show Cause Notice dated 03.01.2025 has returned back with postal remarks "LEFT". Thereafter Show Cause



Notice dated 17.01.2025 was issued to the respondents Dasti through Counsel for Claimant with direction to appear before this Authority on 21.01.2025 at 10:30 AM to file Show Cause Reply as to why penalty be not imposed upon them and therein it was clear made that on failing to file reply of Show Cause Notice matter shall be decided as per provision of the Act. The same was served upon Respondent No. 2 on 20.01.2025 which acknowledged by affixing seal of company regarding receiving the Show Cause Notice. But on 21.01.2025 at 10:30 AM despite 02 calls and finally matter was taken at 11:25 AM for hearing but by this time neither the respondent was appeared nor filed any reply. As such I have left no option except to considered the application of claimant in question. Section 4A of the Act provides that compensation to be paid to the employee as soon as it falls due within 30 days from the accident. If employer does not follow the provision then decide compensation after issuing Show Cause Notice Authority can imposed penalty to the extent of 50 % if no justified ground for not payment of compensation under section 4A is found then penalty can be imposed upon respondent after due hearing the matter. But in this case Respondent did not file any justification in response to Show Cause Notice under section 4A of the Act as such in my view it is a fit case to impose penalty upon Respondent No. 2 since vehicle in question was insured with Respondent No. 2/Insurance Company on the day of accident vide policy no. 3379/01029616/000/00 for the period from 07.04.2014 to 06.04.2015. Accordingly I imposed 50 % penalty of awarded amount i.e. Rs. 9,34,272/- upon Respondent No. 2.

In view of above discussion Respondent No. 2/Insurance Company is directed to deposit in this court an amount of **Rs. 4,67,136/- (Rupees Four Lakhs Sixty Seven Thousand One Hundred Thirty Six Only)** through Cheque/Demand Draft in favour of "Commissioner Employee's Compensation" within a period of 30 days from pronouncement of the order in this court failing which the same shall be recovered as arrears of land revenue.

3. Given under my hand and seal of this Authority on this 21st day of January, 2025.

(S.C. Yadav)
Commissioner

Employee's Compensation Act, 1923

