

**BEFORE SH. S.C YADAV, COMMISSIONER**  
(UNDER EMPLOYEES' COMPENSATION ACT, 1923)  
LABOUR DEPARTMENT, GOVT. OF N.C.T. OF DELHI  
5, SHAM NATH MARG, DELHI-110054

No.ECD/121/NW/18/444.

Dated: 22/01/2024

In the matter of:

**Mrs. Kanta W/o Lt Balwan Singh**  
R/o A-82, Block-A,  
Gulab Bagh, Uttam Nagar,  
D.K Mohan Garden, West Delhi - 110059

.....Claimant

Versus

1. **Sh. Gurvinder Kapoor S/o Kulwant Singh**  
R/o C-73A, Majlish Park,  
Delhi - 110033
2. **M/s Universal Sampo Gen. Ins. Co. Ltd.**  
Plot No EL-94, KLS Tower,  
TTC Industrial Area,  
MIDC Mahape, Navi Mumbai - 400710

.....Respondents

ORDER

1. This claim petition was disposed of vide order No. ECD/121/NW/18/1188 dated 07/10/2021. Aggrieved by this order the claimant filed an appeal vide FAO bearing No 265/2021 before the Hon'ble High Court of Delhi. Hon'ble High Court of Delhi vide order dated 05/12/2023 set aside impugned order dated 07/10/2021 and remanded back the matter with directions to assess the quantum of compensation payable to the claimants within period of 02 months and compliance report in this regard be filed on or before 28/2/2024.
2. Further, Hon'ble High Court has directed (para 22) to respondent no. 2 M/s Universal Sampo Gen. Ins. Co. Ltd. to pay interim payment of Rs. 5,00,000/- with the interest 12% p.a. from the date of accident i.e. 25/06/2018, which be released to the claimant's wife within a month from today, subject to future adjustment on final determination of quantum of compensation and payment thereof to the claimants, any delay thereafter in the disbursement of compensation shall invite cost of Rs. 5,000/- per day till payment. The Hon'ble court has also awarded ex-gratia amount of Rs. 30,000/- paid to claimants by respondent no. 1/ registered owner shall be no adjustment.



3. The matter was fixed for deciding the quantum of compensation payable to the claimants. In the matter due opportunities were provided to the claimant as well as the respondents to produce the relevant material for consideration as vide its order dated 05/12/2023 the Hon'ble High court also directed the parties to appear before this Authority on 09/12/2023 with the relevant documents. On 09/12/2023 the day was Saturday and the office was closed as such on 12/12/2023 for claimant Sh. Manoj Kumar Yadav appeared and none appeared on behalf of respondent's, again the matter was further listed for hearing on 21/12/2023 on the said date also counsel for claimant appeared, but none appeared on behalf of the respondent's. Further on 04/01/2024 counsel for claimant appeared and counsel for respondent no. 2 Sh. Praveen Kumar Sahi Proxy counsel was also present, but no one present for respondent no. 1. Further on request of counsel for respondent no. 2 the matter was adjourned for 09/01/2024 for submissions of the parties and production of relevant material/documents. On 09/01/2024 the counsel for claimant appeared, but again till 11:15 AM none present on behalf of respondent's.
4. Further the submission adduced by the Ld. counsel for claimant heard in detail.
5. Since the Hon'ble High Court has already given directions to decide quantum of compensation, accordingly I have to answer to this aspect only. The remaining issues such as employee-employer relationship and accident occurred out of and in the course of employment with respondent no. 1 has already been widely looked into by the Hon'ble High Court of Delhi and accordingly after discussing all the facts, Hon'ble High Court holds that accident of the deceased was occurred out of and in the course of his employment to be considered on the basis of detailed observation of the Hon'ble Court. As such i have nothing to say anything on the said issues.
6. Further the counsel for claimant submitted that they are relying upon the documents filed along with the claim petition.
7. In view of the order dated 05/12/2023 of Hon'ble High Court of Delhi the compensation payable to the claimants is calculated as under.

For considering the case of claimant for compensation I am taking age of deceased as 63 years as per Date of Birth i.e. 16/08/1954 mentioned in Aadhar card No.



773410589932 of the deceased and relevant factor as per age 106.52 and 50% of Rs. 8000/- (as restricted under the Act by notification issued by central Govt.).

Accordingly compensation is calculated as under:

50% of Rs. 8000/- : 4000/-

Relevant factor : 106.52

4000 \* 106.52 : Rs. 4,26,080/-

In view of this calculation, claimant is entitled to receive Rs. 4,26,080/- as compensation from the respondents. The applicant/claimant is also entitled to interest as per Section 4A of the 'Act' @ 12% per annum from 30 days after the accident on the ordered amount.

8. Since the vehicle in question was insured with respondent no. 2 insurance company vide policy no. 2317/57502402/00b00 valid from 10/08/2017 to midnight 09/08/2018, as such respondent no. 2 is liable to indemnify to the claimant on behalf of respondent no. 1.
9. In view of above discussion, I direct respondent No. 2 **to deposit Rs. 4,26,080/- as compensation along with 12% interest w.e.f. 24/07/2018 till its realization** as per section 12(1) of the EC Act, 1923 **within 30 days** from the date of order by way of Demand draft in favour of "Commissioner Employees Compensation", failing, which same shall be recovered as per provision of the Act. Further the respondent no. 2 M/s Universal Sampoo Gen. Ins. Co. Ltd. has not given any information to this authority regarding payment of Rs. 5,00,000/- to the claimant wife of the deceased in compliance of order of the Hon'ble High Court.
10. Regarding the issue of penalty separate show cause notice to be issued to all the concerned parties with direction to show cause as to why penalty be not imposed upon them and matter be fixed on 02/02/2024 at 10:30 AM.
11. Given under my hand and seal of this Authority on this 22<sup>nd</sup> day of January, 2024.

(S.C. Yadav)

Commissioner

Employee's Compensation Act, 1923

