

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1782 of 2009**

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R.K.CHAUDHARY

Versus

MANAGER KALPTARU PAPERS LTD. & ANR.

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Appearance:

MR RC KAKKAD(389) for the Appellant(s) No. 1

MRS SANGEETA N PAHWA(527) for the Defendant(s) No. 1

MS KIRTI S PATHAK(9966) for the Defendant(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 15/07/2026****ORDER**

1. Having heard learned advocates appearing for the respective parties, what appears from the record that the learned Workman Commissioner while passing award of Rs.1,34,400/- against respondent No.2 herein with 6% interest from 25.7.1998, perhaps had forgotten to pass order of penalty, which is statutory requirement under the Employees' Compensation Act. Therefore, what could be observed that the matter is required to be remanded back to the learned Workman Commissioner for deciding penalty issue by upholding the impugned judgment and award.

2. For the reasons stated herein above, I pass following order:-

2.1 Workman Compensation Application No.11 of 2000 is

hereby remanded to the learned Workman Commissioner for consideration of passing order of penalty only. Rest of the order remained unchanged.

2.2 Learned advocate Mr. RC Kakkad raised a dispute that the insurance company has not deposited the entire decretal amount. To which, learned advocate Ms. Kirti Pathak submits that if the entire decretal amount is not deposited, the same shall be deposited within 08 weeks from today before the concerned learned Workman Commissioner.

2.3 The concerned learned Workman Commissioner shall issue notice to the respondent No.1 herein. The claimant/s and the insurance company to remain present before the learned Workman Commissioner on 3.8.2026.

2.4 The issue of penalty shall be decided as early as possible, preferably within 12 weeks from 3.8.2026.

2.5 With aforesaid observation and direction, present First Appeal stands disposed of accordingly.

2.6 Registry is directed to return back the R & P, if any, to the concerned Court forthwith.

(J. C. DOSHI,J)

SHEKHAR P. BARVE