IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CIVIL) NO. OF 2026)
DIARY NO.31184 OF 2023

AKSHAY DAS — **APPELLANT(S)**

VERSUS

DIVISIONAL MANAGER, NATIONAL INSURANCE CO. LTD. & ANR. — **RESPONDENT(S)**

O R D E R

1. Delay condoned.

2. Leave granted.

3. The appellant had sustained injuries in the course of his employment as a helper in the truck bearing Registration No.OR-09-6005. Dr. Anandi Charan Naik, PW-2, opined that the injury had caused permanent disablement to the extent of 70% and loss of income of 100%. Relying on such expert opinion, the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Cuttack, in E.C. Case No. 12-D/2012, awarded compensation to the tune of ₹16,01,224/- which was to be paid within 30 days from date of the order, failing which 50% penalty with 12% interest per annum shall be added to the awarded sum.

4. On appeal by the company, the High Court reduced the compensation on an erroneous finding that PW-2 was not a specialist as he had no special knowledge in orthopedic treatment. Accordingly, the compensation amount was reduced to ₹6,12,599/- along with 12% interest per annum from the date of accident till

Signature Not Verified
Digitally signed by NITIN TALREJA
Date: 2026.01.18 16:39:49 IST
Reason:

the date of deposit made by the insurer before the Commissioner. By the self-same order, the High Court directed refund of the sum already deposited with proportionate accrued interest. The amount of penalty to the extent of 50% was also waived.

5. Having heard the counsel for the parties, we are of the view the High Court had erred in putting itself in the place of an expert to assess the disablement and the consequential loss of income. It is nobody's case that PW-2 is not a qualified and experienced doctor. Whether he is specialized in orthopedic treatment or not is of little consequence.

6. Accordingly, we set aside the order(s) of the High Court and affirm the order passed by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Cuttack, in E.C. Case No. 12-D/2012. The appeals are allowed. The insurance company shall release the balance amount within six weeks from today.

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
NOVEMBER 16, 2026.

ITEM NO.42 COURT NO.18 SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 31184/2023

[Arising out of impugned judgment and order dated 10-10-2022 in FAO No. 954/2019 26-10-2022 in FAO No. 954/2019 passed by the High Court of Orissa at Cuttack]

AKSHAY DAS Petitioner(s)

VERSUS

DIVISIONAL MANAGER, NATIONAL INSURANCE CO. LTD. & ANR. Respondent(s)

(IA No. 60328/2024 - CONDONATION OF DELAY IN FILING and IA No. 60329/2024 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)
Date : 16-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) : Ms. Supriya Juneja- 2195, AOR

For Respondent(s) : Mr. Sanjeev Kumar Aggarwal, Adv.
Mr. Sunder Lal Gupta, Adv.
Mr. Rajesh Ranjan Prasad, Adv.
Mrs. Gunjan Sharma, Adv.
Mr. Bhupendra Singh, Adv.
Mr. Abhishek Krishna, Adv.
Mr. Dharma Datta Verma, Adv.
Mr. Sanjeev Kumar- 2611, AOR
Mr. Mohit Kumar Gupta, Adv.
Mr. Rajesh Ranjan Prasad, Adv.
Mr. Hira Singh Rawat, Adv.
Mr. Sandeep Lamba, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. **Delay condoned.**
2. **Leave granted.**
3. **The appeals are allowed in terms of the signed order.**
4. **Pending application(s), if any, shall stand closed.**

(NITIN TALREJA) (PREETHI DILEEP KUMAR)
ASTT. REGISTRAR-cum-PS DY. REGISTRAR
(Signed order is placed on the file)