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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **Date of Decision: 28.02.2012**

% **W.P.(C) 3035/2010**

DALJIT SINGH & ORS. Petitioner
Through: Ms. Madhu Tewatia, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents
Through: Mr. A. S. Chandhiok, ASG with
Mr. Anuj Aggarwal, Mr Bhagat
Singh, Mr. Vidit Gupta &
Ms. Hasleen Singh, Adv. for UOI.
Adv. for UOI.
Mr. Nazmi Waziri, Adv. for GNCTD.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

VIPIN SANGHI, J. (Oral)

For detailed orders, see connected petition being W.P.(C.) No.
2604/2010.


VIPIN SANGHI, J

FEBRUARY 28, 2012
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→ Fresh CM 5727/12 for
grant of interest filed.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 3035/2010****DALJIT SINGH & ORS.**

..... Petitioners

Through: Ms. Madhu Tewatia & Ms. Sidhi
Arora, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS. RespondentsThrough: Ms. Zubeda Begum & Ms. Sana
Ansari, Advocates for respondents
No.1 & 2/ GNCTD.
Mr. Anuj Aggarwal for Respondent
No.3/UOI.**CORAM****HON'BLE MR. JUSTICE VIPIN SANGHI****ORDER**

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22.08.2014**R.P. No.471/2013 & CM No.13207/2013**

1. The present review petition has been preferred by the petitioners to seek partial review of the order dated 28.02.2012 – whereby the writ petition was allowed, to the extent that while granting the relief to the petitioners, the Court had omitted to award interest on the amount of compensation found due to the petitioner.

2. By C.M. No.13207/2013, the petitioners also seek condonation of delay in filing the aforesaid review petition. The delay is sought to be explained by contending that the petitioners had initially preferred C.M.

No.5727/2012 for seeking the same relief, however, that application was disposed of by the Court on 07.08.2013 while granting liberty to the petitioner to prefer a review petition, if the petitioner so chooses. Consequently, the present review petition was preferred on 06.09.2013. In view of the aforesaid explanation, I am satisfied that the petitioner has disclosed sufficient cause for preferring the review petition when they did. Accordingly, C.M. No.13207/2013 is allowed.

3. The submission of learned counsel for the petitioner is that while rendering the decision dated 28.02.2012, this Court has taken note of the relief sought in the writ petition, namely the grant of compensation of Rs.2 Lakhs along with interest. While allowing the petition, in the operative part of the judgment, this Court directed as follows:

"18. Accordingly, these petitions are allowed with costs of Rs. 10,000/- in each petition. I direct the Govt. of NCT of Delhi to examine the cases of each of these petitioners on merit, and if they are found to be genuine, grant the rehabilitation grant of Rs. 2 lac per family. The said examination be completed within the next two months and, if the petitioners cases found to be genuine, the grant be disbursed within one month thereafter. It shall be open to the Govt. of NCT of Delhi to claim reimbursement of the amounts disbursed to the petitioners from the Central Government."

4. Ms. Tewatia submits that this Court had not consciously denied the relief of interest of compensation. Even though the Court had noticed that the claim for interest had been made, the same was omitted from being granted. She submits that there was no justification for denial of interest, since the petitioners were found entitled to the amount of compensation due, which was not being disbursed for several years.

5. She further submits that in another matter titled *S. Suraj Mohan Singh & Others Vs. Government of NCT of Delhi & Others*, W.P.(C.) No. 1589/2013, the Court had directed grant of interest @ 12% per annum w.e.f. 01.07.2012. She has referred to the record of W.P.(C.) No. 1589/2013, which has been sent to the Court, as directed earlier.

6. Learned counsel for the respondents No.1 & 2 opposes the present review petition. She submits that there is no error apparent on the face of the record and the order does not call for review. She further submits that review is being sought on the basis of order passed in the case of *S. Suraj Mohan Singh* (supra).

7. She further submits that the petitioners accepted the compensation sometime in March 2012, i.e. even before preferring C.M. No.5727/2012, which was preferred in April 2012. Consequently, the claim for interest cannot be made by moving the present review petition.

8. Having heard learned counsel for the parties and perused the order dated 28.02.2012, I am of the view that there is merit in this review petition. The Court while disposing of the writ petition noticed the relief sought by the petitioners in the opening paragraph, which reads as follows:

"The petitioners in both these writ petitions under Article 226 of the Constitution of India seek the same prayer i.e., for a direction to the respondents i.e., the Government of NCT of Delhi and the Union of India to pay and release to the petitioners rehabilitation grant of ex-gratia at the rate of Rs. 2 lacs per family, along with interest, on account of delay, in terms of notification no. U13018/46/2005-DELHI-I(NC) dated 16.01.2006 issued by the Union of India."

9. A perusal of the order dated 28.02.2012 would show that there is no discussion whatsoever on the aspect as to whether the petitioners would be entitled to grant of interest on the amount of compensation, or not. In fact, no submission was advanced by the respondents to the effect that even if compensation would be payable to the petitioners under the policy, interest should not be awarded. Therefore, it is clear that the Court did not consciously deny the relief of interest sought by the petitioners. The failure to grant interest in the operative part of the order is, evidently, an omission on the part of the Court. Since the Court found in favour of the petitioners that the petitioners were entitled to compensation/ rehabilitation grant of Rs.2 Lakhs per family, which became due in terms of the notification dated 16.01.2006 issued by the UOI, there was, and there is no justification to deny interest on the rehabilitation grant, since the same had been found due and payable to the petitioners – subject to verification. The submission of learned counsel for the respondents that there is no error apparent on the face of the order cannot be accepted in the aforesaid backdrop.

10. It cannot be said that the present review petition has been preferred after the passing of the order dated 03.04.2013 in *S. Suraj Mohan Singh* (supra), whereby interest @ 12% per annum was awarded w.e.f. 01.07.2012, since the petitioners had already preferred C.M. No.5727/2012 in April 2012, i.e. much before the passing of the aforesaid order. Merely because the petitioners may have accepted the amount of compensation in March 2012 is also no ground to deny the claim for interest, since the petitioners were entitled to the said claim as well. It cannot be said that the petitioners unduly delayed the filing of the first application after receipt of

compensation, or that the application was moved only as an afterthought. There is no time lag between the date of receipt of compensation, i.e. March 2012, and the filing of the first application, i.e. on or before 20.04.2012.

11. In *S. Suraj Mohan Singh* (supra), the Court awarded interest @ 12% per annum w.e.f. 01.07.2012. A perusal of the record of that case shows that the representations were made by the petitioner in that case from 28.06.2012 onwards. The Court fixed the date for grant of interest by taking into account the date on which the first representation was made.

12. Following the same principle, I am inclined to grant interest to the petitioners in the present case as well. It is seen from the record of the present case that the representation of the petitioners was made firstly on 18.06.2009. Accordingly, the petitioners are held entitled to interest on the amount of compensation/ rehabilitation grant of Rs.2 Lakhs w.e.f. 01.07.2009 onwards till the date of grant of compensation @ 12% per annum. The respondents shall disburse the said amount within four weeks.

13. The review petition stands disposed of in the aforesaid terms.



VIPIN SANGHI, J

AUGUST 22, 2014

B.S. Rohella