

**HIGH COURT OF TRIPURA
AGARTALA
CRP NO.82 OF 2022**

Oil and Natural Gas Corporation Ltd.
Vs.
Smt. Namita Paul and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Appellant(s) : Mr. S.M. Chakraborty, Sr. Advocate.
Mr. S. Datta, Advocate.
For the Respondent(s) : Mr. D.K. Daschoudhury, Advocate.

08.02.2023

Order

The predecessor of the respondents viz. Adhir Ch. Pal filed an application for enhancement of compensation towards 10% value of the land and damages caused to the trees standing on his land while laying Gas Pipe Line. On 15.10.2015, the petition was allowed and the compensation amount was considerably enhanced. Against the said order, the ONGC filed CRP No.24 of 2016 along with another I.A No.842 of 2016 seeking a stay of the impugned order. Stay was granted subject to payment of 50% of the enhanced amount before the learned District Judge, Gomati Udaipur. This Court allowed claimant-Adhir Chandra Pal to withdraw that amount on executing an indemnity bond. Accordingly, 50% of the enhanced amount was deposited and was lying in that Court since no indemnity bond was executed. After hearing both sides, this Court allowed the CRP No.24 OF

2016 and remanded the matter before the learned District Judge, Gomati, Udaipur for a fresh trial.

Accordingly, a fresh trial was held and on 04-05-2018 learned District Judge, Gomati Udaipur passed fresh judgment partly allowing the petition and directed the payment if any, made already will be adjusted accordingly. Adhir Chandra Pal did not make any application for having the awarded amount lying before the Court of the learned District Judge, Gomati Udaipur. After his death, his legal heirs filed an application on 20.02.2021 for having the money i.e. after about 3(three) years. ONGC appeared and by filing an objection under Section 47 of CPC claimed refund of Rs.23,289/- being deposited in excess in the Court.

After hearing both sides, the learned District Judge by the impugned order directed ONGC to pay interest for the said three years period of delay made by the claimants in submitting application for withdrawal of the amount. Hence the petitioner-ONGC preferred this instant petition praying for the following reliefs:-

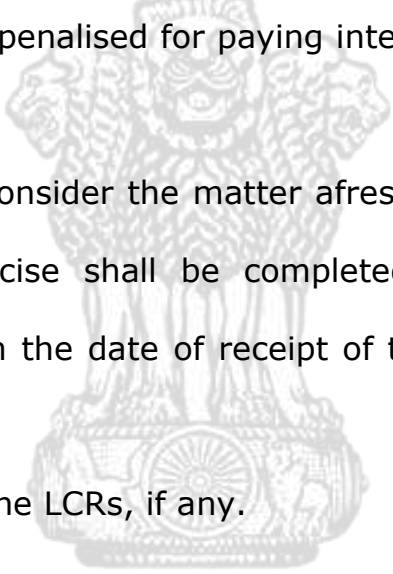
- "i. to admit the petition,*
- ii. call for records,*
- iii. issue rule as to why the impugned judgment and order dated 20.08.2022 in case No.Execution No.5 of 2021 passed by the learned Court of District Judge, Gomati Judicial District, Udaipur, shall not be set aside and after hearing the parties make the rule absolute by way of setting aside the impugned order on the ground of arbitrary exercise of jurisdiction.*
- iv. And pass such further order or orders as your Lordship deem fit and proper"*

Heard Mr. S.M. Chakraborty, learned Sr. counsel assisted by Mr. S. Datta, learned counsel appearing for the petitioner as well as Mr. D.K. Daschoudhury, learned counsel appearing for the respondents.

After hearing both sides and perusing the evidence on record, the order dated 20.08.2022 is set aside. The matter is remanded back to the Court below for fresh consideration and to pass a speaking order with regard to the finding that when the amount was already deposited by the ONGC and the same where lying with the Court, and for some reason, the same where not withdrawn, can the ONGC be penalised for paying interest on the said amount.

The Court below shall consider the matter afresh and pass appropriate order. The exercise shall be completed within a period of 2(two) months from the date of receipt of the copy of this order.

Send back the LCRs, if any.


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CHIEF JUSTICE (ACTING)