

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 122 of 2020

Applicant :- Siya Ram Verma

Opposite Party :- Abhay Kumar Pandey Competent
Auth./Spl.Land Acq.Officer Andanr

Counsel for Applicant :- Avanish Tewari

Counsel for Opposite Party :- Vishal Tahlani

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Mr. Vijay Kumar Tiwari, learned counsel for the petitioner, Ms. Jyotsna Singh, learned counsel for NHAI.

2. An order of this Court vide its order dated 14.02.2019 in Land Acquisition case No.4421 of 2019 is as under:-

"Heard learned Counsel for the petitioner, learned Standing Counsel and Ms. Samidha, learned Counsel for the National Highway Authority of India.

It is submitted by learned counsel appearing on behalf of the petitioner that being aggrieved by award passed by the Special Land Acquisition Officer, Barabanki arbitral proceedings were initiated and the arbitrator by its award dated 25.03.2018 enhanced the amount of compensation. As per the arbitral award enhanced compensation is required to be paid with the interest at the rate of 9% per annum.

It is asserted that no compliance of the arbitral award has been made so far. It is also stated that an application under Section 34 of the Arbitration and Conciliation Act, 1996 is pending before the court of learned District Judge, Barabanki but no interim order therein is passed in favour of the National Highway Authority of India.

Notice has already been served upon the National Highway Authority of India. None is present on its behalf.

Be that as it may, having considered the facts stated in the petition for writ, we deem it appropriate to dispose of this petition for writ by keeping the petitioner at liberty to move an appropriate application before the District Judge, Barabanki for depositing the compensation with the Special Land Acquisition Officer and further to disburse the same in accordance with law.

The respondent, National Highway Authority of India, is directed to deposit the awarded amount with the competent authority within a period of 10 days from today and same shall be further disbursed to the petitioners in accordance with law.

If the petitioner moves a separate application under Section 34 of the Arbitration and Conciliation Act, 1996 before learned District Judge then the same shall be considered and decided on merits expeditiously as far as possible within a period of two months from the date of its production.

With the direction as above, the writ petition stands disposed of."

3. Learned Standing counsel submitted that the aforesaid order has been complied with.

4. Learned counsel for the petitioner submitted that while depositing the award the interest has not been calculated therefore, the order of compliance may not be treated as true compliance of the order of the Writ Court.

5. Be that as it may, if the direction of the writ court have been complied with and in the amount of award the interest has not been added, the same may not be looked into by the contempt Court, in as much as there was no specific direction for providing the interest. Further, if the petitioner should have been paid the interest in the amount of award, he may raised this grievance before the appropriate Court of law/authority, strictly in accordance with law. For that no directions may be issued by the contempt Court.

6. Accordingly, the contempt application is **dismissed**.

7. Notices, if any, stand discharged.

Order Date :- 8.12.2023

Vipul