

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

1. CR No.5729 of 2015  
Date of decision : 13.07.2016

Indian Oil Corporation Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondents

2. CR No.5730 of 2015  
Date of decision : 13.07.2016

Indian Oil Corporation Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondents

3. CR No.5731 of 2015  
Date of decision : 13.07.2016

Indian Oil Corporation Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondents

4. CR No.5755 of 2015  
Date of decision : 13.07.2016

Indian Oil Corporation Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Pawan Kumar Mutneja, Advocate for the petitioner.

Mr. D.K. Mittal, DAG, Haryana.

Mr. S.K. Kaushik, Advocate for the respondents.

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**AMIT RAWAL, J. (Oral)**

This order of mine shall dispose of four revision petitions bearing CR Nos.5729, 5730, 5731 and 5755 of 2015, titled as Indian Oil Corporation Versus State of Haryana and others.

Though in the revision petitions, challenge is to the orders dated 24.03.2015 (Annexure P-5) and 04.08.2015 (Annexure P-6). Before commencing on the arguments, Mr. Mutneja, learned Counsel for the petitioner has confined his arguments with regard to the challenge to the order dated 04.08.2015 (Annexure P-6). It is a matter of record that land was acquired for the setting up of the Panipat Oil Refinery beneficiary of who is none-else but the Indian Oil Corporation. The Land Acquisition Collector has passed the award dated 04.12.2001 whereas reference at the instance of

the land-owners was decided on 19.03.2012 and the amount has been paid to the land-owners on 27.11.2012 on account of the fact that there was dispute amongst Gram Panchayat and Proprietors, in essence, the compensation in respect of other land-owners has been deposited earlier. The Executing Court vide order dated 24.03.2015 ordered for payment of the interest in terms of Section 34 of the Land Acquisition Act at the rate of 9% p.a. for the first year and 15% p.a. for the subsequent year.

Mr. Pawan Kumar Mutneja, learned counsel appearing on behalf of petitioner submits that award and order of Collector and reference was also passed partly in favour of the land-owners but there was no specific indication that in the award or the order of the Reference Court, but yet on the application moved by the Decree Holder, the trial Court vide impugned order dated 04.08.2015 (Annexure P-6), direction has been issued indicating the liability fastened upon the Indian Oil Corporation and the petitioner-Indian Oil Corporation has been called upon to make the payment.

He also submits that Indian Oil Corporation has already deposited the amount with the Land Acquisition Collector and there is misinterpretation of the provision of Order 21 Rule 1 of the Code of Civil Procedure.

Learned counsel appearing on behalf of Decree Holders submit that since they have been deprived of the interest, their concern is only with regard to the payment de hors of the fact that payment has been deposited by petitioner in the office of Land Acquisition Collector.

Learned counsel further submits that Indian Oil Corporation is beneficiary and was required to pay the entire amount of compensation, much less, enhanced amount is to be paid by the beneficiary, thus, there is no illegality and perversity in the order dated 04.08.2015 (Annexure P-6).

I have heard learned counsel for the parties and appraised the paper book and of the view that order dated 04.08.2015 (Annexure P-6) could not have been passed by the trial Court once there is no specific direction in the award or the order of the Reference Court for payment of amount to the Decree Holder only by the petitioner-Indian Oil Corporation respondent no.3 before the Executing Court or giving preference over Land Acquisition Office. The provision of Order 21 Rule 1 CPC are sacrosanct. The period of interest will continue to run as long as amount of compensation/enhanced is not deposited in the Court. It is the liability of the Land Acquisition Collector to satisfy the Decree and thereafter make the arrangement from the beneficiary, but not in the manner and mode as noticed in the impugned order.

Accordingly, order dated 04.08.2015 (Annexure P-6) is hereby set aside by holding that order dated 24.03.2015 (Annexure P-5) is perfectly in consonance with the provision of Section 34 of the Land Acquisition Act, 1884 and is accordingly upheld but the order dated 04.08.2015 (Annexure P-6), is hereby set aside.

The land-owner shall be entitled to seek the execution of the decree in accordance with law against the Land Acquisition Collector without waiting for the settlement amongst Indian Oil Corporation and

State, in essence, cannot be deprived of their right.

Accordingly, all the aforementioned revision petitions are disposed of in the aforementioned terms.

Liberty is granted to the petitioner to bring on record the LR's of Decree Holder in the trial Court in case not brought.

**13.07.2016**

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**(AMIT RAWAL)**  
**JUDGE**