

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 4548 of 2014

Date of decision: 1.11.2017

SUDESH RANI & ORS

.....petitioners

Versus

STATE OF HARYANA & ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Jagdish Manchanda, Advocate,
for the petitioners.

Mr.Ashwani Kumar Saini, DAG, Haryana

RAJ MOHAN SINGH, J (oral)

Petitioners have assailed the order dated 6.3.2014 passed by the Additional District Judge, Karnal, whereby prayer for release of the amount of compensation with interest in compliance of order dated 25.7.2013 passed in Civil Revision No. 6133 of 2004 was declined.

Mala Ram was the original owner of 48 kanals 68 marlas of land. Petitioners are the successor in interest of said Mala Ram. The aforesaid land was acquired and award was passed on 30.12.2003. A sum of ₹ 29,36,787/- was assessed towards compensation for the land of Mala Ram. An application for realization of the aforesaid amount was filed before the Executing Court. In those proceedings, an application was filed

by the Deputy Excise and Taxation Commissioner- respondent No.2 on the ground that Mala Ram was a guarantor for M/s Sher Singh and Company and liability of said Mala Ram as guarantor was assessed to be ₹ 34 lacs. Since the principal borrower did not satisfy the liability, therefore, Mala Ram was responsible to make good the same.

The application filed by the Deputy Excise and Taxation Commissioner was dismissed by the trial Court against which Civil Revision No.6133 of 2004 was filed in the High Court. At the time of motion hearing of the aforesaid revision petition, interim order was passed. The revision petition was ultimately allowed vide order dated 25.7.2013. It was ordered that the petitioners therein i.e. State of Haryana and others were entitled to recover their due amount up to maximum limit of ₹ 34 lacs being the amount of surety bond from the compensation payable to the claimants for the acquired land. The balance amount of compensation was ordered to be released in favour of rightful claimants in accordance with law. After recovery of aforesaid amount of ₹ 34 lacs, the balance amount was released in favour of the petitioners. Now the dispute is only with regard to interest on the amount of ₹ 29,36,787/-, which was deposited by the State of Haryana in the Treasury Office at Karnal without accruing any interest thereon.

The grievance of the petitioners is that the amount

should have been deposited in the Court and the Court in such an eventuality could have deposited the same in some nationalized bank carrying maximum interest on the amount. After the decision dated 25.7.2013 passed in CR No. 6133 of 2004, CM No. 20644-CII of 2013 was filed by the petitioners for modification/ clarification of order dated 25.7.2013. The said application was got dismissed as withdrawn on 28.10.2013 with a liberty to approach the Court of District Judge for the relief claimed therein. Thereafter, the application was filed before the District Judge for release of the amount towards the interest and the said application was dismissed on the ground that since the amount was deposited by respondent No.3 with the Treasury, therefore, the amount did not carry any interest.

I have considered the issue.

Since the original amount was deposited by the State Government in the Treasury even before passing the award in question, the amount was not released in time to the petitioners on account of stay order granted at the instance of one of the functionaries of the State Government in CR No.6133 of 2004, the delay, if any, in disbursement of the amount to the rightful claimants was on account of inevitable happening for which no fault can be attributed to the petitioners. The petitioners were entitled to interest on the compensation granted to them. In normal circumstances, the compensation is allowed to be

deposited in the Court, but somehow the amount was deposited by the respondent-State in the Treasury on 5.11.2003.

Secondly, the disbursement of the amount was stayed by the High Court only at the instance of Excise Department after deduction of liability of Mala Ram to the tune of ₹ 34 lacs. The amount payable to the petitioners should have been calculated up to the date of payment of aforesaid amount of ₹ 34 lacs in favour of Excise Department.

In view of peculiar facts and circumstances of the case, I deem it appropriate to allow this revision petition by directing the District Judge to revisit the controversy and allow necessary calculations to be made on the basis of rate of interest payable at the relevant time till deduction of amount to the tune of ₹ 34 lacs from total compensation and thereafter towards future interest till final realization of the arrears of interest payable to the petitioners.

Accordingly, this revision petition is allowed in the aforesaid terms.

(RAJ MOHAN SINGH)
JUDGE

November 01, 2017
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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No