

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

CR No.4490 of 2017 (O&M)

Date of Decision: 02.11.2017

Guru Gobind Singh Refineries Ltd.

... Petitioner

Versus

Karnal Singh and others

... Respondents.

**CM No.976-C of 2017 In
RFA No.6950 of 2012**

M/s. Guru Gobind Singh Refineries Ltd.

... Applicant.

Versus

The Punjab State and others

... Respondents.

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ashok Aggarwal, Sr. Advocate with
Mr. Tushar Sharma, Advocate
for the petitioner.

Mr. Sunil Chadha, Sr. Advocate with
Mr. M.S. Atwal, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL).

CM No.23339-CII of 2017.

Although, service is not complete and an application has been moved for dispensing with the service on respondent Nos.2 and 3, however, the nature of order being passed by this Court is not going to prejudice anyone.

Therefore, service on the respondents is dispensed with at this stage.

CM stands disposed of.

Main case

It is not in dispute that the petitioner deposited an amount of Rs.7,50,00,000/- pursuant to the interim order passed by the Hon'ble Supreme Court in May 2006. The aforesaid amount has now with interest swelled to approximately Rs.16,00,000,00/-. The petitioner/company had filed an application for release of the aforesaid amount on the ground that the claim of all the land owners stands satisfied as on today and, therefore, the aforesaid amount be released.

Learned executing Court refused to release the amount without examining the issue whether the claim of all the land owners has been satisfied or not. The executing Court has dismissed the application only on the ground that the order was passed by the Hon'ble Supreme Court and, therefore, the executing Court has no jurisdiction. Clarification, if any, has to be sought from the Hon'ble Supreme Court of India.

It is not in dispute that the order passed by the Hon'ble Supreme Court was an interim order and ultimately Special Leave Petition in which the order was passed, has already been disposed of. It is the contention of the learned counsel for the petitioner that as on today, the entire compensation has been paid to the land owners and no amount is due against the petitioner/company.

Taking into consideration the aforesaid contention, the executing Court is requested to examine whether any amount is due against the petitioner/company payable to the land owners whose land was acquired or not. This exercise should be undertaken within a period of 15 days from

today. If the executing Court ultimately comes to the conclusion that no payment is due to the land owners whose land was acquired, the executing Court shall release the payment to the petitioner forthwith.

Learned counsel for the respondents/land owners has submitted that these directions can only be given by the Hon'ble Supreme Court because a fresh Petition for Special Leave filed by the land owners is pending in the Hon'ble Supreme Court.

I have considered the submission. It has already been observed by this Court that whatever amount is due to the land owners till date, would be first paid and thereafter the remaining amount shall only be given to the petitioner/company. Once the claim of the land owners whose land was compulsorily acquired stands satisfied, the land owners can possibly have no objection to the release of the remaining amount.

In anticipation of future enhancement by the Hon'ble Supreme Court of India, refund of the amount deposited cannot be withheld.

With these observations, both civil revision petition and the civil miscellaneous application are disposed of.

(ANIL KSHETARPAL)
JUDGE

02.11.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No