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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 414 of 2017**

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur Chhattisgarh
2. The Chief General Manager, SECL Baikunthpur Project, District Koriya Chhattisgarh
3. The Senior Manager Mining, SECL Baikunthpur Project, District Koriya Chhattisgarh

---- Appellants**Versus**

1. Balam Singh S/o Indal Singh Aged About 43 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur Chhattisgarh
2. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
3. The Collector, Baikunthpur, District Koriya Chhattisgarh
4. The Sub Divisional Officer R , Baikunthpur, District Koriya Chhattisgarh
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad (Gujrat)
6. M/s Grasim Industries Limited P. Adityapuram Via Shambhupura, District Chhattisgarh.

---- Respondents**Writ Appeal No. 429 of 2017**

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur Chhattisgarh
2. The Chief General Manager, S. E. C. L. Baikunthpur Project, District Koriya Chhattisgarh
3. The Senior Manager Mining , S. E. C. L. Baikunthpur Project, District Koriya Chhattisgarh

---- Appellants**Versus**

1. Bhore Lal S/o Rupan Singh, Aged About 35 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur Chhattisgarh.
2. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
3. The Collector, Baikunthpur, District Koriya Chhattisgarh.
4. The Sub Divisional Officer (R) , Baikunthpur, District Koriya Chhattisgarh.
5. M/s Electrotherm (India) Ltd, 72, Palodia Via Thaltej, Ahmedabad (Gujrat)
6. M/s Grasim Industries Limited P. Adityapuram Via Shambhupura, District-Chhattisgarh.

---- Respondents

Writ Appeal No. 519 of 2017

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur Chhattisgarh.
2. The Chief General Manager, S. E. C. L. Baikunthpur Project, District Koriya Chhattisgarh.
3. The Senior Manager Mining, S. E. C. L. Baikunthpur Project, District Koriya Chhattisgarh

---- Appellants

Versus

1. Hannu Singh S/o Maya Ram Aged About 61 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur Chhattisgarh
2. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
3. The Collector, Baikunthpur, District Koriya Chhattisgarh.
4. The Sub Divisional Officer, (R), Baikunthpur, District Koriya Chhattisgarh.
5. M/s Electrotherm (India) Ltd, 72, Palodia Via Thaltej, Ahmedabad (Gujrat)
6. M/s Grasim Industries Limited P. Adityapuram Via Shambhupura, District-Chittorgarh.

---- Respondents

Writ Appeal No. 420 of 2017

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur, Chhattisgarh
2. The Chief General Manager, S.E.C.L. Baikunthpur Project, District Koriya, Chhattisgarh
3. The Senior Manager Mining, S.E.C.L. Baikunthpur Project, District Koriya, Chhattisgarh

---- Appellants

Versus

1. Dhaneshwar Singh S/o Indra Jeet, Aged About 35 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh
2. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
3. The Collector, Baikunthpur, District- Koriya, Chhattisgarh
4. The Sub Divisional Officer R, Baikunthpur, District- Koriya, Chhattisgarh
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad (Gujrat).
6. M/s Grasim Industries Limited, P. Adityapuram Via Shambhupura, District Chittorgarh.

---- Respondents

Writ Appeal No. 433 of 2017

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur Chhattisgarh

2. The Chief General Manager, SECL, Baikunthpur Project, District Koriya Chhattisgarh
3. The Senior Manager Mining, SECL, Baikunthpur Project, District Koriya Chhattisgarh

---- Appellants

Versus

1. Bal Mati S/o Jannu Singh, Aged About 45 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
3. The Collector, Baikunthpur, District Koriya Chhattisgarh
4. The Sub Divisional Officer R, Baikunthpur, District Koriya Chhattisgarh
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad (Gujrat)
6. M/s Grasim Industries Limited P. Adityapuram Via Shambhupura, District Chhattisgarh.

---- Respondents

Writ Appeal No. 430 of 2017

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur Chhattisgarh.
2. The Chief General Manager, SECL Baikunthpur Project, District Koriya Chhattisgarh.
3. The Senior Manager Mining, SECL Baikunthpur Project, District Koriya Chhattisgarh

---- Appellants

Versus

1. Ramjeet Singh S/o Prem Sai, Aged About 43 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur Chhattisgarh.
2. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
3. The Collector, Baikunthpur, District Koriya Chhattisgarh.
4. The Sub Divisional Officer R , Baikunthpur, District Koriya Chhattisgarh.
5. M/s Electrotherm (India) Ltd., 72, Palodia Via Thaltej, Ahmedabad (Gujrat).
6. M/s Grasim Industries Limited P. Adityapuram Via Shambhupura, District Chhattisgarh.

---- Respondents

Writ Appeal No. 431 of 2017

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur Chhattisgarh
2. The Chief General Manager, SECL Baikunthpur Project, District Koriya Chhattisgarh
3. The Senior Manager Mining, SECL Baikunthpur Project, District Koriya Chhattisgarh

---- Appellants

Versus

1. Vikram Singh S/o Chunnu Singh Aged About 35 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur Chhattisgarh
2. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
3. The Collector, Baikunthpur, District Koriya Chhattisgarh
4. The Sub Divisional Officer R , Baikunthpur, District Koriya Chhattisgarh
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad (Gujrat)
6. M/s Grasim Industries Limited P. Adityapuram Via Shambhupura, District Chhattisgarh.

---- Respondents**Writ Appeal No. 432 of 2017**

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar , Seepat Road, Sarkanda, District Bilaspur Chhattisgarh.
2. The Chief General Manager, S. E. C. L. Baikunthpur Project District Koriya Chhattisgarh.
3. The Senior Manager Mining S. E. C. L. Baikunthpur Project District Koriya Chhattisgarh.

---- Appellants**Versus**

1. Bharat Singh S/o Rupan Singh Aged About 35 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan District Surajpur Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
3. The Collector, Baikunthpur District Koriya Chhattisgarh.
4. The Sub Divisional Officer R , Baikunthpur District Koriya Chhattisgarh
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad (Gujrat)
6. M/s Grasim Industries Limited P. Adityapuram Via Shambhupura, District Chhattisgarh.

---- Respondents**Writ Appeal No. 416 of 2017**

1. South Eastern Coalfields Limited Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur, Chhattisgarh
2. The Chief General Manager, S. E. C. L. Baikunthpur, Project, District Koriya, Chhattisgarh.
3. The Senior Manager Mining, S. E. C. L. Baikunthpur, Project, District Koriya, Chhattisgarh.

---- Appellants**Versus**

1. Ram Adhin S/o Late Gopal Singh, Aged About 55 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.

2. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
3. The Collector, Baikunthpur, District Koriya, Chhattisgarh.
4. The Sub Divisional Officer R Baikunthpur, District Koriya, Chhattisgarh
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad (Gujrat)
6. M/s Grasim Industries Limited P. Adityapuram Via Shambhupura, District Chhattisgarh.

---- Respondents

For Appellant-SECL	: Shri H.B.Agrawal, Senior Advocate with Shri Pankaj Agrawal, Smt. Itu Rani Mukherje, Advocate.
For Respondent No. 1	: Shri S.S.Rajput, Advocate.
For Respondents 2 to 4/State	: Shri UNS Deo, Government Advocate.
For Respondent No. 5	: None
For Respondent No. 6	: Shri Manoj Paranjpe, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per Ajay Kumar Tripathi, Chief Justice

27/08/2018

1. Heard counsel for the parties.
2. A batch of writ petitions came to be filed by the Petitioners stating therein that despite acquisition of their land by the South Eastern Coalfields Limited (for short 'the SECL'), they have not been paid compensation till date. They also demanded payment of interest for delay, if not employment in terms of the Rehabilitation Policy of 2007.
3. The core facts are not a matter of dispute that the land of the private Respondents who were Petitioners in the writ Court were subjected to acquisition in the year 1999-2000. Compensation had also been determined. Some of them received their compensation but some did not despite information which included some of the private Respondents as well as was the stand of the Appellant.

4. The stand of the Appellant-SECL was disputed by the private Respondents that they had any information about the compensation having been worked out and their entitlement to receive the same in time or else they would not have been before the High Court seeking such a prayer.
5. The learned Single Judge took note of the fact that special acquisition of land had been made under the central legislation known as the Coal Bearing Areas (Acquisition and Development) Act, 1957 (for short 'the 1957 Act'). Section 17 of the said Act deals with payment of compensation. Keeping in mind the provisions i.e. sub-section (3) of Section 17 of the 1957 Act, if the compensation is not paid or deposited, then there is an obligation on the Central Government to pay interest thereon at the rate of 5% from the time compensation became due until the same is paid or deposited.
6. Admitted position is that the amount of compensation had neither been paid nor deposited by the Appellant-SECL. It is in this background that the learned Single Judge allowed the writ applications and gave direction to the Appellant-SECL to make payments.
7. In these appeals, plea is taken that there are certain developments in the meanwhile which are that one M/s. Electrotherm (India) Ltd. and M/s. Grasim Industries Limited were allocated the coal blocks by the Central Government and therefore, now the payment of compensation or the obligation shifts upon them. The Appellant-SECL has nothing to do with the said land or the coal blocks.
8. This is an ingenious kind of argument for the reason that the aforesaid two companies who had been allocated the coal blocks have not come in possession. These allocations were part of the allotment of coal blocks

made by the Central Government which became controversial and subject matter of challenge before the Hon'ble Supreme Court and we are informed that they even stood cancelled in terms of the order dated 25.08.2014 passed in the case of ***Manohar Lal Sharma v. The Principal Secretary & Others*** {Writ Petition (Crl) No. 120 of 2012}. In fact, the Central Government has now indicated in their order that the land will remain with the Appellant-SECL. Since the two companies never came into picture but remained so on paper only. The acquisition related to the year 1999-2000, therefore, the obligation to pay compensation or interest in terms of the statutory provision will be upon the Appellant-SECL and the same cannot be shaken off on the plea that the Central Government had subsequently decided to allocate those coal blocks to some other private players which never materialised.

9. The direction of the learned Single Judge, therefore, to make payment of compensation and interest in terms of Section 17 of the Act, 1957 cannot be said to be an erroneous decision.

10. The appeals, therefore, have no merit. They are dismissed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE