

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER
CIVIL MISCELLANEOUS APPEAL No.246 of 2016

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 ('the Act', for brevity), is filed by the appellant/applicant, challenging the order, dated 19.02.2009, passed in O.A.No.218 of 2004 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity).

2. Heard the learned counsel for the appellant/applicant, the learned Standing Counsel for the Railways representing the 1st respondent and perused the record.

3. The learned counsel for the appellant/applicant would contend that the Tribunal erred in not granting pendente lite interest @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of award and ultimately prayed to grant the same.

4. On the other hand, the learned Standing Counsel for the Railways representing the 1st respondent would contend that the appellant/applicant is not entitled for pendente lite interest @ 6% per annum from date of presentation of claim petition before the Tribunal till the date of the Award. The Tribunal rightly granted interest @ 9% per annum from the date of the Award till the date of actual payment, in case the amount granted as compensation is not deposited within 60 days from the date of

the Award. There are no circumstances to interfere with the impugned order and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. As seen from the impugned order, no reasons are assigned by the Tribunal in not granting pendente lite interest @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of award. The Apex Court, in *Tahazhathe Purayil Sarabi and Others Vs. Union Of India and another*¹, held that the amount awarded as compensation by the Railway Claims Tribunal shall carry interest @ 6% per annum from the date of presentation of the claim petition till the date of award; and @ 9% per annum from the date of award till realization.

6. Under these circumstances, the appellant/applicant is entitled for pendente lite interest @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of Award, on the amount granted as compensation.

7. This appeal is allowed accordingly. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

17th December, 2018
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¹ 2009 ACJ 2444