

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

C.M.A.No.988 of 2011

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is filed by the appellants-applicants, challenging the order, dated 10.03.2010, passed in O.A.A.No.546 of 2005 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity).

2. Heard both sides. Perused the record.

3. The learned counsel for the appellants-applicants would contend that the Tribunal erred in not granting interest @ 9% per annum from the date of petition till realisation on the amount awarded as compensation.

4. On the other hand, the learned Standing Counsel for the respondent-Railways would contend that the appellants-applicants are not entitled for grant of interest @ 9% per annum from the date of petition till realisation. The Tribunal rightly granted interest @ 6% per annum on the amount granted as compensation from the date of the order till the date of actual payment. 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 per the material placed on record, the Tribunal, after analysing the entire evidence on record, awarded compensation of Rs.4,00,000/- in favour of the appellants-applicants for the death

of the deceased-P.Sanyasi, who died in an untoward incident of accidental fall from train No.8402 Okha-Puri Express, on 13.02.2004 and the said order has become final. The only point that arises for determination in this appeal is with regard to award of interest @ 9% per annum from the date of application till realization on the compensation amount of Rs.4,00,000/-.

6. Conflicting opinions existed as to the award of interest on the compensation awarded in the claim petitions filed under the Railway Claims Tribunal Act, 1987. One view was that the Tribunal has the discretion to stipulate the date with effect from which the interest would accrue and that the claimant/s do not have the right to insist the Tribunal for awarding interest from the date of presentation of the claim petition. In certain cases, it was observed that interest on the compensation must be awarded from the date of presentation of claim.

7. The controversy or the difference of opinion has been set at rest by the Apex Court in Tahazhathe Purayil Sarabi and Others Vs. Union Of India and another¹, wherein, it was 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.

8. Following the said decision, this Civil Miscellaneous Appeal is disposed of directing that the compensation of Rs.4,00,000/- granted by the Tribunal in favour of the appellants-applicants shall

¹ 2009 ACJ 2444

carry interest @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of award; and thereafter, @ 9% per annum from the date of award till realization.

No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

26th September, 2018
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