

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

C.M.A.No.206 OF 2010

JUDGMENT:

This Civil Miscellaneous Appeal is directed against the order, dated 23.04.2008, passed in O.A.A.No.197 of 2003 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad for not granting interest at the rate of 9% per annum from the date of filing of the claim petition till the date of realisation on the compensation amount of Rs.4,00,000/- for the death of the deceased Chelukala Sailu.

2. Heard the learned counsel for the appellants/applicants and the learned Standing Counsel for the respondent/Railways.

3. Considering the evidence on record, the Tribunal awarded compensation of Rs.4,00,000/- and that order has become final. The only question is with regard to award of interest at the rate of 9% per annum from the date of application till the date of realization on the compensation amount of Rs.4,00,000/-, as the Tribunal has not awarded any interest from the date of filing of the claim petition till the date of award.

4. Conflicting opinions existed as to the award of interest on the compensation amount awarded in the claim petitions presented 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 a claimant does not have the right to insist on award of interest from the date of presentation of the claim petition. In certain cases, it was

observed that interest must be awarded from the date of presentation of claim.

5. The controversy or the difference of opinion has been set at rest by the Hon'ble Supreme Court through its judgment, dated 14.05.2009, in Civil Appeal No.3658 of 2009 (Arising out of SLP (C) No.26654 of 2008) in **TAHAZHATHE PURAYIL SARABI AND OTHERS VS. UNION OF INDIA AND ANOTHER¹**. It was held that the amount awarded as compensation by the Railway Claims Tribunal shall carry interest at 6% per annum from the date of presentation of the claim petition till the date of award and at 9% per annum from the date of award till the date of realization.

6. Following the same, the Civil Miscellaneous Appeal is partly allowed directing that the amount awarded as compensation by the Tribunal in favour of the appellants shall carry interest at the rate of 6% per annum from the date of presentation of the claim petition till the date of award and thereafter, at the rate of 9% per annum from the date of award till the date of realization. There shall be no order as to costs of the present appeal.

7. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

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Date : 24.09.2018
AMD

¹ 2009 ACJ 2444

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