

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

- 1. COCP-933-2018 (O&M)**
Date of Decision: November 28, 2018

Jagir Singh and othersPetitioners
Versus
Yudhvire Singh Malik and othersRespondents
- 2. COCP-1927-2018 (O&M)**
Gurbax SinghPetitioner
Versus
Neeraj Kumar Jain and anotherRespondents
- 3. COCP-2259-2018 (O&M)**
Vasya Devi @ VidyawantiPetitioner
Versus
Yudhvire Singh Malik and othersRespondents
- 4. COCP-1602-2018 (O&M)**
Gurbaksh SinghPetitioner
Versus
Yudhvire Singh Malik and othersRespondents
- 5. COCP-2095-2018 (O&M)**
Makhan SinghPetitioner
Versus
Yudhvire Singh Malik and othersRespondents
- 6. COCP-2097-2018 (O&M)**
Sulakhan SinghPetitioner
Versus
Yudhvire Singh Malik and othersRespondents
- 7. COCP-2098-2018 (O&M)**
Sukhdev SinghPetitioner
Versus
Yudhvire Singh Malik and othersRespondents

8. COCP-2099-2018 (O&M)

Kirpal SinghPetitioner
Versus
Yudhvir Singh Malik and othersRespondents
9. COCP-2105-2018 (O&M)

Mohinder Singh (now deceased) through his LRsPetitioner
Versus
Yudhvir Singh Malik and othersRespondents
10. COCP-2106-2018 (O&M)

Surinder SinghPetitioner
Versus
Yudhvir Singh Malik and othersRespondents
11. COCP-2107-2018 (O&M)

Harbhajan Singh and anotherPetitioners
Versus
Yudhvir Singh Malik and othersRespondents
12. COCP-2108-2018 (O&M)

Gian Singh and othersPetitioners
Versus
Yudhvir Singh Malik and othersRespondents
13. COCP-3171-2018

Parduman SinghPetitioner
Versus
Yudhvir Singh Malik and othersRespondents
14. COCP-3166-2018 (O&M)

Surat SinghPetitioner
Versus
Yudhvir Singh Malik and othersRespondents
15. COCP-3099-2018 (O&M)

Baljinder SinghPetitioner
Versus
Yudhvir Singh Malik and othersRespondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Ritesh Pandey, Advocate
Mr.Raj Karan Singh Verka, Advocate
Mr.Naresh Kaushal, Advocate
Mr.Gagandeep Singh, Advocate for
Mr.A.S.Manaise, Advocate
for the petitioners.

Mr.Rishi Kaushal, Advocate for NHAI.
Mr.Aditya Sharda, AAG, Punjab.
Mr.Sudhir Nar, Sr.Panel Counsel
for UOI in COCP-933-2018.

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NIRMALJIT KAUR, J. (ORAL)

This order shall dispose of the above captioned contempt petitions as the point in issue involved in all the cases is common in nature.

Replies filed in COCP Nos.933, 2097, 2098, 2099, 2106, 2107 and 2108 of 2018 today in Court are taken on record.

The contempt petitions are filed for non-compliance of the orders vide which a direction was issued to decide representations of the petitioners seeking solatium in terms of Section 23(2) of the Land Acquisition Act, 1894 (for short,'the Act') and also interest in terms of Section 28 and additional compensation under Section 23(1-A) of the Act.

Admittedly, in pursuance of the said orders passed by the High Court, the respondents have decided the representations filed by various petitioners, copy of which has been placed on record as Annexure P-2, operative part of which reads as under:-

“After hearing both the parties and perusing the records it is written to Project Director, National Highway Authorities of India, Jalandhar that the amount of solatium

and interest in terms of supplementary award be deposited in any Natinalized Bank in interest bearing fixed deposit account and the disbursement will be subject to the decision in Civil appeal no.10695 of 2011 titled as “Golden Iron & Steel Forgings vs Union of India and SLP No.15104/2014 titled as Project director NHAI vs Rajeshwar Singh & Ors. The order of above mentioned cases will be binding on CWP No.20972/2014. The Project Director NHAI Jalandhar will be responsible for keeping safe the receipts of interest bearing fixed deposit accounts.”

Learned counsel for the respondents state that in all the above mentioned contempt petitions, payments have been transferred in the account of Sub Divisional Magistrate-cum-Land Acquisition Collector, which is the competent Authority.

In view of the above, two issues still remains to be redressed, i.e. firstly the said amount still has not been transferred in the account of the petitioners and secondly the interest on solatium/FDRs has also not been deposited even with the competent Authority. Learned counsel for the respondents state that the same is kept pending awaiting the opinion from learned Solicitor General.

It is evident that the respondents are simply evading the payment of the interest. The order of the Sub Divisional Magistrate is clear that the interest has to be paid. More so, when learned Division Bench of this Court vide its order dated 14.12.2016 passed in CWP No.25846 of 2016 (**Joginder Singh and another vs Union of India and others**) has already clarified and laid procedure for payment of the said solatium and interest,

relevant direction for the payment of interest reads thus:-

“(v) The National Highways Authority of India is directed to deposit the amount payable in terms of the supplementary award, in interest-bearing fixed deposit account(s) in any nationalized bank which shall be disbursed subject to attaining finality of the litigation in the Golden Iron and Steel Forgings's case (supra).”

Thus, it is evident from the above that the petitioners are entitled to the interest whether the amount was kept in fixed deposits or not. In case the said amount is kept in fixed deposits, it goes without saying that the interest of the fixed deposits has to be transferred in the account(s) of the petitioners and in case the same is not kept in fixed deposit(s), it is still incumbent upon the respondents to pay the said interest towards solatium.

Accordingly, the contempt petitions are disposed of with a direction to the respondents that the amount so deposited with the competent Authority be disbursed to the petitioners taking into account that civil appeals stand dismissed, as expeditiously as possible preferably within three months from today alongwith interest to be calculated on the amount.

November 28, 2018
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(NIRMALJIT KAUR)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |