

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

**Civil Writ Petition No.24928 of 2018
Decided on : 05.12.2018**

Baldev Singh and others

... Petitioners

Versus

Hindustan Petroleum Corporation Limited and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. D.S. Randhawa, Advocate
for the petitioners.

Mr. Raman Sharma, Advocate
for respondent No.1.

Ms. Simran Grewal, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

The petitioners seek a writ in the nature of mandamus under Article 226/227 of the Constitution of India for directing respondent No.1 to grant interest on total amount of compensation on account of the fact that respondent No.1 had got the proceedings stayed in **CWP No.16750 of 1999 'Hindustan Petroleum Corporation Ltd. Vs. The State of Punjab and others'** on 03.12.1999. On 28.09.2018 while issuing notice of motion the contention of the counsel for the petitioners as such was noticed, which reads as under:-

*“Counsel inter alia places reliance upon the decision in **CWP No. 23956 of 2016, Surjit Singh and others vs. Hindustan Petroleum Corporation Ltd. and others** decided on 27.07.2017 to submit that the petitioners would be entitled for the same relief as they are identically placed. It is further submitted that without the benefit of the*

specific order, they would not be able to get the relief before the Executing Court. It is further submitted that the said order has been upheld in LPA No. 1384 of 2018 decided on 11.09.2018.”

Thereafter, on 31.10.2018 counsel for respondent No.1 had prayed for time to confirm the fact that whether the petitioners were arrayed as respondents in **CWP No.16750 of 1999**. Today Mr. Randhawa produced the photocopy of the memo of parties of the said writ petition to show that petitioner No.1 herein son of late Amar Singh was arrayed as respondent No.33 and similarly Pritam Kaur daughter of late Amar Singh-petitioner No.2 herein was arrayed as respondent No.32. Petitioners No.3 and 4 are sons of late Pritam Singh son of late Amar Singh who was arrayed as respondent No.34 in the said writ petition.

He has also placed on record copy of the order dated 11.9.2018 passed in **LPA No.1384 of 2018 'Hindustan Petroleum Corporation Limited Vs. Surjit Singh and others'** and another connected case decided on 11.09.2018, whereby the order passed by this Court in **CWP No.23956 of 2016 'Surjit Singh and others Vs. Hindustan Petroleum Corporation Limited'** and another connected case decided on 27.07.2018 (Annexure P-4) was upheld. He, accordingly, submitted that the petitioners would be entitled to get the benefit of order passed in the case of **Surjit Singh (supra)** (Annexure P-4). The relevant portion of the order of the Division Bench reads as under:-

“In the wake of the above, there cannot be any

dispute that it was owing to the order dated 3.12.1999, granted in favour of the appellant-Corporation, the landowners were deprived of the balance compensation. Thus, the argument that since the appellant had deposited the entire compensation no interest in terms of Section 34 of the Act for the post deposit period could be claimed, lacks conviction and cannot be countenanced. Significantly, in the given situation, the deposit was as good as non-deposit, for the claimants/landowners could not withdraw the compensation. Further, if the Division Bench had directed the compensation to be kept in a bank deposit so that it could earn interest; the only or the sole beneficiary of the said order dated 3.12.1999, was none other than the appellant. For, in the event, the writ petition was allowed the appellant would have withdrawn the entire amount with interest that had accrued upon in the interregnum. And, on the contrary if the writ petition was dismissed, as it indeed was, the appellant was only required to pay the difference in interest earned upon deposits and the statutory interest which the claimants/landowners were/are entitled to in terms of Section 34 of the Act. In either of the situation the interest of the appellant was secured and protected. Likewise, even the argument: that since the claimants/landowners never questioned the order dated 3.12.1999, they were bound thereby, and thus, could not demand interest in terms of Section 34, is equally erroneous. The matter can be viewed from another perspective. Apparently, it was the appellant who despite having deposited the compensation choose to assail the award and prayed for stay of disbursement of compensation. The Division Bench having found a prima facie case stayed disbursal of compensation beyond Rs.16 lacs per acre. To avert any liability in terms of interest, under Section 34, the appellant could always maintain that let the compensation

be released subject to the result of the writ petition against surety or bank guarantee. But that is not something the appellant opted for. Thus, the claimants/landowners had every right to claim interest, in terms of Section 34, for the period they were deprived of the compensation they were found entitled to. Further, notwithstanding the order dated 3.12.1999, the rights of the claimants/landowners to claim interest under Section 34 could never be affected, for, those stem from the statute.

On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusions recorded by the learned Single Judge were either contrary to the record or suffered from any material illegality. And that being so, we are dissuaded to interfere with the impugned order and judgment.

Thus, the appeals being devoid of merit and are accordingly dismissed.”

Resultantly, present writ petition is also allowed in terms of judgment passed in the case of **Surjit Singh (supra)** (Annexure P-4), which has been further upheld by the Division Bench.

DECEMBER 05, 2018

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No