

**RA-CR-160-CII-2017 (O&M) in
CR No.5729 of 2015**

{1}

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

**RA-CR-160-CII-2017 (O&M) in
CR No.5729 of 2015
Date of decision:27.07.2018**

Indian Oil Corporation Limited ... Petitioner

Vs.

State of Haryana and others ... Respondents

**RA-CR-161-CII-2017 (O&M) in
CR No.5755 of 2015**

Indian Oil Corporation Limited ... Petitioner

Vs.

State of Haryana and others ... Respondents

**RA-CR-162-CII-2017 (O&M) in
CR No.5730 of 2015**

Indian Oil Corporation Limited ... Petitioner

Vs.

State of Haryana and others ... Respondents

**RA-CR-163-CII-2017 (O&M) in
CR No.5731 of 2015**

Indian Oil Corporation Limited ... Petitioner

Vs.

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ankur Mittal, Additional Advocate General, Haryana.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of four review applications aforementioned. This Court, vide order dated 13.07.2016 disposed of the revision petitions in the following manner:-

“I have heard learned counsel for the parties and appraised the paper book and of the view that order dated 04.08.2015 (Annexure P-6) could not have been passed by the trial Court once there is no specific direction in the award or the order of the Reference Court for payment of amount to the Decree Holder only by the petitioner-Indian Oil Corporation respondent no.3 before the Executing Court or giving preference over Land Acquisition Office. The provision of Order 21 Rule 1 CPC are sacrosanct. The period of interest will continue to run as long as amount of compensation/enhanced is not deposited in the Court. It is the liability of the Land Acquisition Collector to satisfy the Decree and thereafter make the arrangement from the beneficiary, but not in the manner and mode as noticed in the impugned order.

Accordingly, order dated 04.08.2015 (Annexure P-6) is hereby set aside by holding that order dated 24.03.2015 (Annexure P-5) is perfectly in consonance with the provision of Section 34 of the Land Acquisition Act, 1884 and is accordingly upheld but the order dated 04.08.2015 (Annexure P-6), is hereby set

aside.

The land-owner shall be entitled to seek the execution of the decree in accordance with law against the Land Acquisition Collector without waiting for the settlement amongst Indian Oil Corporation and State, in essence, cannot be deprived of their right.

Accordingly, all the aforementioned revision petitions are disposed of in the aforementioned terms.

Liberty is granted to the petitioner to bring on record the LRs of Decree Holder in the trial Court in case not brought.”

The aforementioned order was assailed by the review applicant before Hon'ble the Supreme Court, vide SLP No.32151 of 2016 alongwith SLP No.33001 of 2016. Vide order dated 15.11.2016, Hon'ble the Supreme Court passed the following order:-

“Heard the learned counsel for the petitioners and perused the relevant material.

We do not entertain these special leave petitions. The special leave are accordingly dismissed.

However, we leave it open to the petitioners to move the High Court by way of review petition(s), if so advised.”

From the perusal of the aforementioned order, the review applicant sought the permission for withdrawal of the Special Leave to Appeal with liberty to file the review petition, if so advised.

It is in these circumstances, the review applications alongwith applications for condonation of delay has been filed.

Learned State counsel appearing on behalf of the review applicant submitted that the Land Acquisition Collector is only agency, whereas, the beneficiary is Indian Oil Corporation as the land acquired was for their purpose. During the intervening period, i.e., from the date of passing of the order of the Land Acquisition Collector, there was enhancement in respect of the land in question resulting into filing of execution application. It is the duty of Indian Oil Corporation to discharge the liability. Having failed to do, it cannot be fastened upon the Land Acquisition Collector, therefore, there is error apparent on record.

I am afraid the aforementioned argument is devoid of merit, for, it is the prime duty of the Land Acquisition Collector to discharge the liability as and when there is an enhancement and it is the internal arrangement with them and beneficiary.

On going through the grounds of review applications, it is evident that same very argument is being sought to be raised as it was done at the time of hearing of the revision petitions which is not permissible in view of the law laid down by Hon'ble the Supreme Court in **Tamilnadu Terminated Full Time Temporary LIC Employees Association vs. S.K.Roy, The Chairman, Life Insurance Corporation of India and another**" 2016 (9) SCC 366. The relevant paragraph of the judgment reads as under:-

*"Review is not re-hearing of an original matter. The power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. A repetition of old and overruled argument is not enough to re-open concluded adjudications. This Court, in **Jain Studios Ltd. v. Shin Satellite Public Co. Ltd. (2006) 5 SCC 501**, held as under:*

11. So far as the grievance of the applicant on merits is concerned, the Learned Counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases."

In view of the aforementioned observation, I do not find any error apparent on the face of record, much less no ground is made out for interference. Accordingly, the present review applications are dismissed on the ground of delay as well as on merits.

Needless to mention here that reference has been made to Annexure P-1, date of the deposit of the amount, the review applicant is at liberty to apprise the Executing Court about the same.

July 27, 2018

savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No