

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.10295 of 2018

Date of Decision: December 19, 2018

Daljit Singh & others

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Avnish Mittal, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

Notice of motion.

Mr. Amar Vivek, learned Additional Advocate General,
Haryana, accepts notice on behalf of the State.

The present revision is directed against the order dated
07.12.2018 (Annexure P-4), whereby the Executing Court, while ordering
release of the payment of ₹ 7,41,51,093/- after deduction of TDS, imposed
a condition of furnishing of indemnity and surety bonds.

Mr. Avnish Mittal, learned counsel for the petitioners submits
that the claim of the petitioners was confined to the compensation awarded
by the Reference Court @ ₹1560/- per sq. metre, for, the question of
enhancement as per the decision of the Hon'ble Supreme Court, on remand,
is pending adjudication. He has drawn the attention of this court to the order
of the Hon'ble Supreme Court, the operative part of which reads as under:-

*“Apart from that, as State has not questioned the disbursement
made by the Reference Court @ Rs.1560/-, along with other*

statutory benefits, out of the said amount that has been deposited, the land owners to whom the amount has not been paid shall be paid the amount, as ordered by the Reference Court. Remaining amount may be kept in fixed deposit, which may be disbursed after the decision of case by the High Court. Let the High Court make an endeavor to decide the matter within a period of two months from the date of appearance of the parties.”

It has also been pointed out that even the respondent-State did not deny the aforementioned fact in the reply (Annexure P-3).

Mr. Amar Vivek, learned Additional Advocate General, Haryana representing the State supports the order on the ground that the condition imposed is to protect the interest of the State as it would be very difficult to seek refund of the amount in case the Court reduced the compensation or passes any other orders.

I have heard the learned counsel for the parties and appraised the paper book.

The petitioners had only confined to the award of compensation of ₹ 7,41,51,093/- awarded by the Reference Court @ 1560/- per sq. metre. There is no dispute as per the order of the Hon'ble Supreme Court, extracted above. In such circumstances, the Executing Court ought not to have imposed the condition of indemnity and surety bonds. The aforementioned condition is hereby expunged.

Revision petition stands allowed.

December 19, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No