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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **EX.F.A. 16/2015 & C.M.No. 22451/2015**

DELHI DEVELOPMENT AUTHORITY ..... Appellant  
Through: Mr. Ajay Verma, Senior Standing Counsel  
with Mr. Arjun Pant and Ms. M. Khanna,  
Advocates.

Versus

MEWA RAM (DECEASED) THR HIS LEGAL HEIRS & ORS  
..... Respondents  
Through: Mr. Sanjay Kumar Pathak, Mr. Kushal Raj  
T. and Mr. M.S. Akhtar, Advocates for  
Respondent No.5.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

% **03.05.2018**

The legal heirs of deceased respondents have been brought on record.  
The case is ripe for final hearing.

At request of the learned counsel for the parties, the case is taken up  
for disposal.

The sole issue in this case is whether the Delhi Development Authority (DDA) should pay cost of acquisition of land, twice over. It is not in dispute that the DDA has paid the cost of acquisition of land i.e. Rs.3,29,047/-, to the Land Acquisition Collector (LAC) for onward disbursement to the land owners in terms of the Award. However, since the said amount was not released to the land owners, on their application, the DDA's accounts were attached and a sum of Rs.4,55,310.62/- i.e. the awarded amount alongwith interest thereon, were realised therefrom. In effect,

compensation for acquisition of the land has been paid by the DDA to the LAC and directly to the landowners as well.

In the circumstances, the learned Senior Standing Counsel for DDA contends that the extra payment towards interest which was on account of default of the LAC, the DDA cannot be burdened with. Therefore, this additional interest amount of Rs.1,26,263.62 should be refunded to them alongwith the awarded amount of Rs.3,39,047/-, which is lying unused and as surplus with the LAC.

The Court is of the view that the DDA's claim is justified. There is no reason for LAC to have sat over the monies paid by the DDA towards compensation for the lands acquired, which was otherwise to have been disbursed to the land owners.

In the circumstances, the additional amount towards interest i.e. Rs.1,26,263.62, which DDA was made to pay because of delay in release of the deposited monies to the land owners, shall be refunded to DDA by the LAC. In all, an amount of Rs.4,55,310.62 [Rs.3,29,047/- (award amount) + Rs.1,26,263.62 (interest amount)] shall be paid by the LAC to the DDA. The learned counsel for respondent No.5/LAC states that the same shall be done within four weeks. Accordingly, the amount due shall be refunded to the DDA within four weeks from the date of receipt of this order.

The appeal, alongwith pending application, is disposed off in the above terms.

**NAJMI WAZIRI, J.**

**MAY 03, 2018**

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