

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.977 of 2012

JUDGMENT:

The appellants herein presented a claim before the Secunderabad Bench of Railway Claims Tribunal, vide OAA No.60 of 2004 for compensation. The claim petition was allowed vide order dated 12.07.2010 awarding compensation of Rs.4,00,000/-. The tribunal, however, stipulated 3 months time for deposit of the amount of the compensation and awarded interest at the rate of 6% per annum from the date of order, till the date of actual payment. The appellants feel aggrieved filed the present appeal.

2. Heard learned counsel for the appellants and learned standing counsel for the Railways.

3. Conflicting opinions existed, as to the award of interest, in the claims presented under the Railways Claims Tribunal Act, 1987. One view was that the tribunal has the discretion to stipulate the date with effect from which, the interest would accrue and that a claimant does not have the right to insist on award of interest from the date of presentation of the claim petition. In certain cases, it was observed that interest must be awarded from the date of presentation of claim.

4. The controversy, or the difference of opinion, has been set at rest by the Apex Court in **Tahazhathe Purayi Sarabi and others V. Union of India and another**¹ that the amount awarded as compensation by the Railway Claims Tribunal shall carry interest from the date of presentation of the claim petition at 6% per

¹ 2009 ACJ 2444

annum, and from the date of award, till the date of realization, at 9% per annum.

5. Following the same, the appeal is allowed, directing that the amount awarded as compensation by the tribunal, in favour of the appellant, shall carry interest at 6% per annum, from the date of presentation of the claim petition, till the date of award, and thereafter, at 9% per annum, till the date of realization. No order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

Date: 29.11.2019
Shr

T. AMARNATH GOUD, J

