

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

216

CWP-29820-2017

Date of decision: 10.04.2019

Shamjit Singh Sodhi & others

....Petitioners

Versus

State of Punjab & others

...Respondents

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

Present: Mr.Prateek Gupta Advocate, for the petitioners.

Ms.S.G.Randhawa, AAG, Punjab.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Article 226 of the Constitution of India, is for releasing the interest to the tune of Rs.4,20,935/- for the period commencing from 01.01.2017 to 20.07.2017. Said claim is on the basis of Section 34 of the Land Acquisition Act, 1894.

The case of the petitioners is that their application, filed under Section 28-A was allowed on 20.12.2016 (Annexure P-2) and the interest was, thereafter, paid on 20.07.2017, as due upto 31.12.2016 but the interest for the period thereafter was not paid, till payment.

A perusal of the paperbook would go on to show that vide legal notice dated 23.08.2017 (Annexure P-4 Colly.) the demand of interest was made for 7 months and 25 days. The same was replied vide letter dated 08.11.2017 (Annexure P-5), to the extent that the required fund was received from the Government on 18.07.2017 and the same was then paid on 20.07.2017 by respondent No.3. Therefore, the petitioners were held not entitled for any interest on that account. Similar is the stance taken in the written statement, now filed, wherein, plea taken is that after the passing of the award dated 20.12.2016, the said respondent had written on 07.02.2017

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216 CWP-29820-2017

-2-

for releasing the amount of Rs.1,75,00,000/- for making payment. The same was received on 18.07.2017 and disbursed on 20.07.2017 and therefore, the amount of enhanced compensation included interest upto 31.12.2016.

The issue of payment of interest on the delayed payment of compensation is no longer *res integra*. Reliance can be placed upon **P.C.Wadhwa and another Vs. State of Haryana and others 2008(4) R.C.R.(Civil) 538, Delhi Development Authority Vs. Sukhbir Singh & others 2016 (16) SCC 258 and Union of India & Anr. vs. Pushpavathi & Ors. 2018 AIR (SC) 1032**, wherein it was held that the Writ Court would have jurisdiction as it was a claim for statutory interest.

Resultantly, in view of the above discussion, the present writ petition is allowed and the respondents are directed to pay interest to the petitioners, for the above-said period of delay at statutory rate, within 3 weeks from the receipt of the certified copy of this order.

10.04.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*