

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5119 of 2018 (O&M)

Date of Decision: 05.02.2019

Haryana State Electricity Board, Shakti Bhawan through its Chairman (now
Haryana Vidyut Prasaran Nigam Limited)

.....Petitioner

Vs.

Parduman Kumar Sandhir and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. B.R. Mahajan, Senior Advocate, with
Mr. Arvind Seth, Advocate,
for the petitioner.

Mr. Hemant Bassi, Advocate,
for respondents no. 1 to 6.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner Haryana Vidyut Prasaran Nigam Limited (formerly the Haryana State Electricity Board), challenges the order of the learned execution Court dated 19.05.2018, by which the objections filed by the petitioner (judgment-debtor no. 3) have been dismissed, with the calculation as regards the amount payable to the decree-holder, as given by the petitioner, also having been rejected by that Court.

On August 09, 2018, at the time when notice of motion was issued in this petition, the following order was passed by this Court:-

“Mr. Mahajan, learned senior counsel appearing for the petitioner refers to paragraphs 27 and 28 of the judgment of the Supreme Court in Gurpreet Singh Vs. Union of India, 2008(2) RCR (Civil) 207, to submit that the amount paid to the land owner even

as per the compensation awarded eventually, is first to be appropriated towards interest accruing only on the remainder part of the principal still left to be paid in terms of the enhancement (and not as interest calculated upon the total compensation running from the date of the acquisition).

Notice of motion, returnable on 24.08.2018.

Dasti also.

Dasti notice be served upon the respondents through counsel appearing for them regularly in the executing Court.

In the meanwhile, the executing Court would adjourn the matter to a date beyond the date given by this Court.

To be taken up at 3 pm.”

Thereafter, Mr. Bassi having put in appearance for respondents no. 1 to 6, Mr. Seth, learned counsel for the petitioner had been asked to supply a chart of the calculation of the amount payable to the respondents (as per the petitioner).

Upon which the needful having been done, Mr. Bassi had also filed a calculation sheet, with learned counsel for the parties asked to exchange such calculations and Mr. Bassi further asked to take instructions with regard to any amount of Rs. 9,00,000/- already having been paid to the respondents pursuant to the order of the execution Court dated 20.10.2000 (as directed by this Court, vide its order dated 23.10.2018).

Mr. Bassi, today submits that as per his instructions no such amount has been received by the respondents from the petitioner, as the relevant bank statement is not available.

He further requests that the matter be in fact remitted to the execution Court to enable the parties to lead evidence with regard to all amounts actually paid and as are payable after setting off any amount already paid by the petitioner to the respondents.

Mr. Mahajan, learned Senior Counsel appearing for the petitioner, submits that as regards evidence to be led before the execution Court on payments actually made or not made and further to prove what is actually still due, he has no objection to the matter being remitted to that Court, with of course the impugned order to be set aside.

Consequently, having considered the matter, it is considered appropriate that in order to determine all outstanding amounts still to be paid by the petitioner to the respondents, if any (including any interest to be paid/not paid/payable), the matter is remitted to the execution Court to proceed further accordingly, with the impugned order set aside.

The parties would appear before that Court on 20.02.2019.

The execution Court would thereafter proceed with the matter as expeditiously as is rationally possible.

February 05, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.