

OD-2

APO/381/1983  
In  
WPO/860/1982  
IA No.:GA/2/2016(Old No.GA/1285/2016)

IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
ORIGINAL SIDE

UNION OF INDIA & ORS.  
Versus  
PARASEA COLLIERIES LIMITED & ORS.

BEFORE :  
The Hon'ble JUSTICE SANJIB BANERJEE  
AND  
The Hon'ble JUSTICE ARIJIT BANERJEE

Date : December 10, 2020

Appearance:  
Mr. Sunil Singhanian, Adv.

Mr. S. N. Pandey, Adv.

The Court : The appeal arises out of an order of September 13, 1983 by which certain payments were directed to be made by the Union to the writ petitioners, who are the respondents herein. The payment was on account of interest following the nationalisation of the writ petitioners' coal mine.

It appears from the relevant order of September 13, 1983 that an earlier order for the Union to make over the interest payment to the writ petitioners was made, but that was stayed on the ground that a review petition had been filed before the Supreme Court against a

previous order of the Supreme Court permitting interest to be paid to the erstwhile owners of the coal mine by an order of Court. However, since the Single Bench perceived that sufficient time had been afforded to the Union to have the order reviewed and the Single Bench was not satisfied that a subsequent order of the Supreme Court passed on August 2, 1983 governed the matter before the Single Bench, the stay on the making over of the payment by the Union to the writ petitioners was lifted. As a consequence, the Union was liable to make the interest payment to the writ petitioners. It appears that the payments were made, but the Union preferred an appeal against the order of payment dated September 13, 1983 and it further appears that the writ petitioners were required to invest the money received in terms of the order dated September 13, 1983 by way of a fixed deposit. The parties are, however, not able to produce copies of the initial interim order in this appeal by which such direction was issued. However, the position is apparent from a subsequent order of February 9, 2016 passed on the Union's application, GA No.3801 of 2015. The order of February 9, 2016 disposed of the Union's application in the appeal by directing all the fixed deposits to be assigned in the name of the Registrar, Original Side, so that the fixed deposits would earn interest. The parties say that the deposits were assigned in favour of the Registrar, Original Side as directed.

The present application, GA/2/2016(Old No.GA/1285/2016) is by the Union seeking an order to receive the money from the Registrar,

Original Side in the name of the Commissioner of Payments installed under the Coal Mines (Nationalisation) Act, 1973.

There is no doubt that it is the Commissioner under such statute, and the Commissioner alone, who has the authority to disburse payments to the erstwhile owners of coal mines or whose assets have been nationalised or taken over by the Union. In the light of such legal position, the respondents do not object to the money now held by the Registrar, Original Side being made over to the Commissioner of Payments under the Act of 1973.

Accordingly, it is directed that the money deposited with the Registrar, Original Side and the amount invested by the Registrar, Original Side should be made over to the Commissioner of Payments under the Act of 1973, including the interest and all accretion thereto. The deduction of the Registrar's usual commission will not be permissible. However, the Registrar may appropriate upto a maximum amount of Rs.10,000/- on account of the actual costs that may have been incurred by the Registrar.

Nothing survives in the appeal pending from the year 1983. The payment made or directed to be made had been ultimately deposited in Court and, by consent of the parties, such payment, together with the accretion thereto, is now directed to be made over to the Commissioner of Payments for such Commissioner to take further appropriate steps in accordance with law.

APO No.381 of 1983 along with the writ petition being WPO No.860 of 1982 and the interim application in the appeal being GA 2 of 2016(Old No.GA/1285 of 2016) are disposed of.

There will be no order as to costs.

(SANJIB BANERJEE, J.)

(ARJIT BANERJEE, J.)

bp.