

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2161 of 2021**

- Brijesh Sahu S/o Bholaram Sahu Aged About 24 Years R/o Village- Bijari, Post- Porda, Tehsil- Gharghoda, District- Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. South Eastern Coal Field Limited Through Its Director Office At Seepat Road, Bilaspur, District- Bilaspur, Chhattisgarh.
2. South Eastern Coal Field Limited Through Its General Manager, Raigarh, Area Behind Collector Office, Office Kaya Ghat, Raigarh, District- Raigarh, Chhattisgarh

---- Respondents

For Petitioner : Shri Surfaraj Khan, Advocate

For Respondents : Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**ORDER****14.06.2021**

1. Heard.
2. Learned counsel for the petitioner would submit that the land of the petitioner was acquired and the compensation was also determined. He would further submit that the petitioner since was not satisfied with the quantum of compensation, as such he filed a petition before the part time Tribunal constituted under the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957 and the petitioner though sought for disbursement of the compensation which has already been determined but by order dated 21.01.2020 the amount of compensation, which has not been disputed, has also been refused to be paid. He would further submit

that the SECL has also deposited undisputed amount of compensation which is required to be paid irrespective of the final adjudication of the compensation amount and the petitioner cannot be deprived to get the amount deposited by the SECL in respect of his part of claim.

3. After consideration of the order dated 21.01.2020 since the SECL has already deposited the undisputed amount then irrespective of the fact that how much compensation is determined by the Tribunal, the petitioner shall be entitled to receive that much of amount which is already deposited. Accordingly the order dated 21.01.2020 is modified to the extent that the petitioner shall be entitled to receive the undisputed amount of compensation which has already been deposited by the SECL and if the amount of compensation is received, it will not work as an estoppel against the petitioner for eventual determination of the final compensation by the Tribunal. Thereby it is concluded that the petitioner shall be entitled to receive the undisputed amount which has already been deposited to the extent of his part of compensation and on receipt of such compensation, the possession of the land shall be handed over to the SECL.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge