

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5100 of 2021**

1. Bholaram S/o Late Bhajram Aged About 52 Years
2. Jagannath S/o Pancharam Aged About 46 Years
3. Brijesh S/o Bholaram Aged About 28 Years
4. Ghanshyam S/o Pancharam Aged About 56 Years
5. Panchram S/o Nandram Aged About 72 Years

All are R/o Village Bijari, Tehsil Gharghora, District Raigarh Chhattisgarh

---- Petitioners**Versus**

1. Union Of India Through Ministry Of Coal, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001
2. Collector Raigarh District Raigarh Chhattisgarh
3. Sub Divisional Officer (Revenue) Gharghoda, District Raigarh Chhattisgarh
4. South Eastern Coalfields Limited, Through Its Managing Director-Cum-C. M. D. Seepat Road Bilaspur, District Bilaspur Chhattisgarh

----Respondents

For Petitioners	:	Mr. Hariom Rai, Advocate
For State	:	Mr. Aman Kesharwani, Panel Lawyer
For Respondent No.1	:	Mr. Tushar Dhar Diwan, Advocate under instructions of Asstt. S.G.
For Respondent No. 4	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Mr. Justice P. Sam Koshy**Order on Board****10/12/2021**

1. The limited claim raised by the petitioners in the present writ petition is for an appropriate interest in terms of the provision of Section 17 of **The Coal Bearing Areas (Acquisition and Development) Act, 1957.**

2. According to the petitioners, it is a case where the land was acquired in July, 2006 and the possession also was taken from the petitioners. However, the compensation was paid only after around 7 years in May, 2017. Thus, under the provisions of Section 17 the interest would be payable to the petitioners.
3. Counsel for the respondents submits that for claiming the benefit of interest also the petitioners needs to move an appropriate application before the concerned Tribunal established under the Act and which on an application being made shall decide the application on its own merit.
4. Counsel for the respondents No. 5 & 6 also opposed the petition on the ground that it is bereft of details of the property, which is said to have been acquired, therefore it is difficult for passing any order without any details of the property, so acquired
5. Counsel for the petitioners however submits that the claim of interest would not be one which can be agitated before Tribunal and therefore he has come to the Court. For ready reference it is necessary to reproduce the provision of Section 17 of the aforementioned Act, 1957:

“17. Payment of compensation.

(1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2).

(2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of

the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal: Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal.]

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited.”

6. Plain reading of the aforesaid Act shows that any person who is aggrieved by the compensation amount awarded as also in respect of claiming of interest for the delayed payment after accepting the compensation made, the competent authority to issue an order for grant of interest would be the Tribunal constituted under the said Act.
7. Under the circumstances, this Court is of the opinion that the present writ petition also accordingly stands disposed of directing the petitioners to move an appropriate application before the concerned Tribunal showing clearly the specific details of the respective property belonging to each of the petitioners, which have been acquired, the date of acquisition and the actual date of payment made to the petitioners, so as to decide the quantum of interest payable to the petitioners. Subject to the petitioners making such an application, the

Tribunal is expected to take an appropriate decision at the earliest in accordance to law.

8. The view of this Court also stands fortified from the order of the Coordinate Bench of this Court in WPC No. 1850/2018 (Neera Bai v. Union of India & others), decided on 29.08.2018.

Sd/-
(P. Sam Koshy)
Judge

Ved