

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

CR-8172-2019

Date of Decision : 30.09.2021

M/S Zeitline Software Pvt. Ltd.

. . . . Petitioner

Vs.

State of Haryana and Others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: - Mr.Akshay Kumar Jindal, Advocate, for the petitioner.

Mr.Kiran Pal Singh, AAG, Haryana.

Mr.Dinesh Saini, Advocate, for
Mr.Pritam Saini, Advocate, for respondent No.3.

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MAHABIR SINGH SINDHU, J.

This petition has been filed under Article 227 of the Constitution of India for quashing of impugned order dated 22.8.2019 (P-4) passed by learned Additional District Judge, Gurugram whereby petitioner was directed to furnish security/indemnity bond in the shape of FDR with one surety of like amount.

This Court on 08.09.2021, passed the following order: -

“Matter pertains to the release of payment in pursuance of award dated 15.11.2013 passed in reference under Section 18 of the Land Acquisition Act, 1894. This Court on 25.02.2020 passed the following order:-

“Learned State Counsel has pointed out that despite best efforts, no one is coming forward to assist in this case.

Let respondent No.2-Land Acquisition Collector-cum-DRO, Gurugram be present in the Court.

Adjourned to 13.03.2020.”

Today again, learned State counsel very candidly stated that there is no cooperation by the office of respondent No.2.

In view of the above, there remains no doubt that respondent No.2 is having least regard for the order of this Court.

Accordingly, one last opportunity is granted to the concerned quarter for supplying appropriate instructions in the matter subject to payment of costs of Rs.50,000/- (Rupees fifty thousand only). Costs be paid to the petitioner before the next date of hearing.

Posted on 30.09.2021.”

Learned State counsel with all fairness, on instructions from Ajay Saini, Patwari, O/o DRO-cum-LAC, Gurugram, has apprised the Court that on account of some communication gap appropriate instructions could not be supplied in the matter. The explanation seems to be reasonably justified and the same is accepted.

As a result thereof, costs part of order dated 08.09.2021 is modified to the extent that same be read as Rs.10,000/- instead of Rs.50,000/-. Costs shall be deposited by the officer concerned of the LAC, Revenue with the Director, PGIMER, Chandigarh, for utilization towards Poor Patients Welfare Fund.

Necessary compliance report be sent to the Registry of this Court within three months from today.

It transpires that learned executing court, while passing the impugned order, imposed conditions upon the petitioner to furnish the security/indemnity bonds for withdrawal of “FDR amount alongwith upto date interest” with one surety in the like amount.

It is contended by learned counsel for the petitioner that in similar controversy, coordinate Bench of this Court on 19.12.2019 in CR-8170-2019 set aside identical conditions and as such, the present revision petition also deserves to be allowed in the same terms.

In response to above, learned State counsel, on instructions, acknowledged that present case is squarely covered with the decision in CR-8170-2019 being identical in nature.

Apart from the stand taken by learned State counsel, impugned order itself reveals that none of the respondents raised any objection before the executing court in case the amount in question is released in favour of the petitioner. The observations of learned executing court being relevant are extracted as under: -

“Learned counsel for the JD no.3 had already endorsed “no objection” on the application filed by the DH on 3.12.2015 seeking the release of the amount of Rs.2297751/- in their favour. As such the order dated 7.7.2017 passed by this Court has attained the finality. Since the JD No.3 has not disputed the factum of entitlement of the DH(s) that they are entitled to the above said amount of Rs.2297751/- (for the recovery of which the present application was filed on 3.12.2015) whereas, the objection raised by the JDs No.1 and

2 has already been declined, the above said amount transmitted by the bank to this Court (as per the report dated 29.1.2019 made by the Ahlmad to this Court) be released in favour of the DH(s) as per their entitlement as per award.”

A perusal of the extracted portion of impugned order clearly reveals that there was no opposition of the claim by the respondents, but still the conditions were imposed for furnishing security/indemnity bonds along with one surety of like amount.

The coordinate, while deciding CR-8170-2019, has already set aside similar conditions and this Court is also in fully agreement with the same.

As a result thereof, the present revision petition is allowed in terms of the order dated 19.12.2019 passed in CR-8170-2019 and impugned order dated 22.8.2019 (P-4) is set aside. Consequently, the amount in question be released in favour of the petitioner without insisting upon any security/indemnity bonds or surety in the like amount.

30.09.2021

Vivek

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No