

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

CR-354-2022 (O&M)
Date of decision: 10.02.2022

INDIAN OIL CORPORATION LTD.	...Petitioner
V/S	
CHANDER KANTA AND OTHERS	...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Paul S.Saini, Advocate,
for the petitioner.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

CM-925-CII-2022

Application is allowed, as prayed for, subject to all just exceptions.

Main case

Petitioner company/judgment debtor, beneficiary of the compulsory acquisition, is confronted with execution proceedings instituted by the owner/s of deprived of the acquired property. Executing Court, passed the following order dated 29.10.2021 :-

“Today the case was fixed for arguments on the application for directing the JDs to deposit the balance amount in the above said execution application. Objections on behalf of JD no.3 IOCL have been filed with the submission that the amount has been paid on 15.11.2019 with interest calculated up to 03.10.2019. It has been submitted that calculation sheet of compensation was submitted by the LAC on 24.09.2019 and thereafter some time was taken to process the entire amount. As such the JD No.3 is not liable to pay the interest.

Objections are not sustainable. JD's are directed to make the payment of interest till the date of payment of the principal amount. Objections stand dismissed. Now, to come up on 17.12.2021 for making payment”.

3. The learned counsel representing the petitioner contends that the petitioner cannot and ought not be burdened with the interest for a period (about 43 days) consumed in preparing the cheque.

4. On a Court query, the learned counsel representing the petitioner has admitted that this aspect has not been examined by the Court below. The learned counsel for the petitioner submits that a suggestion was though given to the Court. He further submits that the landowner is estopped from claiming interest as she/he never objected for a period of 2 years qua the calculation to be made.

5. The matter is still pending before the Executing Court. Since, all these aspects have not been examined by the Court below, therefore, the revision petitions is disposed of with liberty to the petitioner to file an appropriate application before the Executing Court, in order to invite specific order on these aspects.

6. Pending application, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

February 10, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No