

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 347 of 2022 (O&M)

Indian Oil Corporation Limited
... Petitioner(s)

Versus

Anil Kumar and Others
... Respondent(s)

AND

2. Civil Revision No. 357 of 2022 (O&M)

Indian Oil Corporation Limited
... Petitioner(s)

Versus

Chander Kanta and Others
... Respondent(s)

DATE OF DECISION: 03.02.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Paul S. Saini, Advocate
for the petitioner(s).

Mr. Sharad Aggarwal, Assistant Advocate General,
Haryana, for the respondent No.2 and 3.

Anil Kshetarpal, J.

1. By this order, both the Civil Revision Petition No. 347 and 357 of 2022 shall stand disposed of.

2. The petitioner is the beneficiary agency of compulsory acquisition. In the execution petition, filed by the owner, who has been deprived of his property due to compulsory acquisition, the Court, on

17.09.2021, has passed the following order:-

“Today the case was fixed for filing objections by the decree-holder. No objection has been filed. It has been submitted that JD is required to pay interest of 35 days to the DH. As per the calculation sheet and payment record submitted by the JDs, they had made the payment up to 07.02.2019, but the payment was issued on 14.03.2019. Thus, there is a difference of 35 days between the payment and calculation dates. Since, interest has to be paid on the total amount till actual date of payment, Jds are directed to submit the amount of interest till the date of payment i.e. 14.03.2019 on 01.10.2021”.

3. The learned counsel representing the petitioner contends that the petitioner cannot be burdened with the interest for a period of 35 days, which was consumed by the petitioner in preparing the cheque.

4. On a Court question, 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 given to the Court. He further submits that the landowner never objected to the calculation for a period of 2½ years and therefore, he estopped from claiming interest.

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

6. The miscellaneous application(s) pending, if any, in both the revision petitions, shall also stand disposed of.

(Anil Kshetarpal)
Judge

February 03, 2022
“DK/nt”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No