

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

CWP-3126-2018

Decided on:-07.07.2023

Ramesh Kumar Batra @ Rajesh Kumar Batra and others

....Petitioners..

VS.

The State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.P. Khatri, Advocate and
Mr. Anil Dutt, Advocate,
for the petitioners.

Mr. Ankur Mittal, Additional A.G., Haryana with
Mr. Shivendra Swaroop, DAG, Haryana,
Ms. Kushaldeep K. Manchanda, Advocate and
Mr. Sidharth Arora, Advocate,
for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition under Article 226/227 of the Constitution of India, prayer has been made for issuance of a writ in the nature of mandamus, directing the respondents to release the amount of compensation granted under the revised award dated 28.10.2015 along with interest.

2. It is admitted that the amount under the supplementary/revised award dated 28.10.2015, already stands released in favour of the petitioners-landowners and thus, at this stage, their grievance only remains regarding payment of interest on the delayed deposit of compensation amount, which

has been vehemently opposed by learned counsel appearing on behalf of the respondents-State while submitting that 12% additional amount was already paid to the landowners on the compensation amount, from the date of notification under Section 4 till the date of supplementary award i.e. 28.10.2015.

3. I have heard learned counsel for the parties and gone through the record.

4. In the present case, admittedly, respondent No.4 passed supplementary award dated 28.10.2015, regarding the acquired land previously owned by the petitioners and in pursuance thereof, amount of revised compensation was paid to the petitioners-landowners, however, with some delay. Once, the respondents in their wisdom, thought it appropriate to pass a supplementary award, thereby, revising the amount of compensation in favour of the landowners being payable w.e.f. date of notification under Section 4 and deeply conscious of this, benefit of 12% from the said date till the date of supplementary award was granted under the award. Nevertheless, the amount under supplementary award was required to be immediately offered to the landowners and in case of there being delay on the part of the respondents to offer and deposit the same, they are under obligation to pay interest over the same.

5. In the facts of the present case, it is essential to grant the aforestated relief especially when nothing has been brought on record by the respondents to establish that any prior notice was ever served upon the landowners, before passing the supplementary award dated 28.10.2015 or even post passing of the same, any notice was served upon the landowners,

so as to apprise them about the revision/enhancement of compensation. Therefore, once the petitioners-landowners never contributed towards any delay in release of compensation in their favour and the same was entirely attributable to the respondents, they can't escape their liability to pay interest for the delayed payment.

6. As regards the awarding of interest as well as the rate, guidance can also be derived from Section 34 of the Land Acquisition Act, 1894 and Section 80 of the Right to Fair compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which are even paramateria. Accordingly, the petitioners are held entitled for interest @ 9% for the first year, while calculating the delay in deposit and for the period thereafter, they shall be entitled for interest @ 15%.

7. The aforesaid exercise of calculation of interest and deposit thereof in favour of petitioners shall be carried out by the respondents within a period of three months from today.

8. Petition stands disposed of.

07.07.2023

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(HARKESH MANUJA)
JUDGE

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