

101 **RA-CR-120-CII-2002, CM-17060-CII-2002,
 CM-17710-CII-2002 in COCP-1706-2001**

DARSHAN SINGH ORS. VS SURJIT KAUR SANDHU

Present:- Mr. Gunjan Mehta, Advocate,
 for the applicant-respondent.

 Mr. Divij Dutt, Advocate,
 for the non-applicants-petitioners.

1. By way of present review application, prayer has been made for recalling of an order dated 18.07.2002 passed by this Court. The operative part thereof is extracted hereunder:-

“Having heard learned counsel for the parties, I am of the considered view that undertaking given to this court has been complied with albeit late. Therefore, I am not inclined to proceed further with the contempt proceedings. However, as the erring officers had violated the undertaking given to this court by not making payment by 4.10.2001. Therefore, they are held liable to pay interest from 4.10.2001 till the date of payment at the rate of 12% per annum. The interest shall be disbursed to the petitioners within a period of two months from today. The interest amount shall not be credited to the public exchequer and the same shall be paid by respondents 1 and 2 themselves.

In view of above, the contempt petition is dismissed as having been rendered infructuous. Rule discharged.”

2. Learned counsel for the applicant-respondent has tried to explain while referring to the concluding part of order dated 27.09.2001, to submit that the total amount due towards payment of compensation was Rs.68.17 crore; out of which Rs.23.17 crore was undertaken to be released from October 2001 to March 2002, whereas, remaining amount of Rs.45 crore was to be released upto September 2002 and thus, there was no delay on the part of the respondent as

admittedly the compensation amount stood paid to all the landowners including the petitioners on 03.05.2002. Accordingly, learned State counsel prays for recalling of the order dated 18.07.2002.

3. On the other hand, learned counsel for the non-applicants-petitioners submits that in terms of the order passed by the Writ Court on 27.09.2001, wherein, an undertaking was extended by the learned State counsel that the entire amount payable to the non-applicants-petitioners shall be released within 07 days; the amount of compensation was required to be paid to them upto 04.10.2001, whereas, the same was released on 03.05.2002 and therefore, no interference is called for in the order dated 18.07.2002, whereby, the officials were held liable to pay interest @12% per annum in favour of landowners from 04.10.2001 till the payment was made i.e. upto 03.05.2002. He, thus, submits that the application is liable to be dismissed.

4. I have heard learned counsel for the parties and gone through the paper book.

5. Relevant portion from the order dated 27.09.2001 passed by the Writ Court is extracted hereunder:-

“Ms. Charu Tuli, learned Deputy Advocate General, Punjab further undertakes that the entire amount to all the petitioners in all the cases appearing today, will be released within 7 days.

These petitions, have, therefore, become infructuous.

Before, we may conclude this case, we would like to refer to affidavit aforesaid, wherein it has been stated that the outstanding liability amounting to Rs. 98.75 crore will be cleared in the following manner:-

(6) An endeavour will be made to clear these liabilities as under:

(1) Against total liabilities of Rs. 68.17 crore on account of compensation of land, amount of Rs. 23. 17 crore for which budgetary provisions for the current year exists will be released in monthly installments from October, 2001 to March, 2002/

For the remaining amount of Rs. 45 crores, the budgetary demand for the next financial years will be placed before the Council of Ministers and the State Legislature well in time and requisite budgetary provisions made in the Budget Estimates for 2002-2003.

The liabilities will be liquidated in the first half of the next financial year by releasing equal monthly installments from April, 2002 to September, 2002. If the circumstances permit, amount will be released as early as possible.”

5.1 Though, a perusal of aforesaid order shows that an undertaking was extended by learned State counsel towards the release of entire amount of compensation in favour of the petitioners within 07 days, however, taking into consideration the averments made in the affidavit by the then Principal Secretary, Government of Punjab, Department of Finance, it was specifically ordered by the Writ Court that out of total liability of Rs.68.17 crore against award of compensation; a sum of Rs.23.17 crore was to be released in monthly installments from October 2001 to March 2002, whereas, the remaining Rs.45 crores were to be released in equal monthly installments from April 2002 to September 2002 and admittedly, in the present case, the landowners/non-applicants were released amount of compensation much before that on 03.05.2002 and therefore, the award of interest granted in their favour vide order dated 18.07.2002 by the Contempt Court, amounted to undue benefit as the non-applicants/landowners undisputedly had already been paid the statutory interest as envisaged under Section 28 of the Land Acquisition Act, 1894. Furthermore, once an affidavit dated 26.09.2001 submitted by the then Principal Secretary, Government of Punjab, Department of

Finance was accepted and relied upon vide order dated 27.09.2001 passed by the Writ Court and the amount of compensation was released in terms thereof on 03.05.2002 i.e. much before September 2002 as undertaken by the State authorities towards release of amount of compensation, it was not made out that there was any willful delay or non-compliance on the part of respondents.

6. Thus, in view of the aforesaid discussion, the order dated 18.07.2002 is hereby recalled.

7. Accordingly, the present application stands disposed of.

8. Pending application, if any, also stands disposed of.

**(HARKESH MANUJA)
JUDGE**

24.03.2025
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