(2009) 05 BOM CK 0044

In the Bombay High Court

Case No : First Appeal No''s. 166, 280, 597, 731, 722, 721, 719, 697, 696, 616, 615, 614 and 613 of 1996, 116, 523, 217, 524, 531, 117, 113 and 118 of 1997 and 92-95 and 88-90 of 1998

Mahadeo Ramaji Khade and Another	APPELLANT
Vs	
General Manager, Western Coal Fields Ltd.	RESPONDENT

Date of Decision : 08-05-2009

Acts Referred:

Administration of Evacuee Property Act, 1950 — Section 21
Land Acquisition Act, 1894 — Section 10, 11, 12, 16, 21
Urban Land (Ceiling and Regulation) Act, 1976 — Section 10(1)

Citation : (2009) 5 BomCR 219

Hon'ble Judges : Chaudhari A.B., J

Bench : Single Bench

Advocate : W.G. Charde, in F.A. Nos. 166, 280, 597, 731, 722, 721, 719, 697, 696, 616, 615, 614 and 613/1996, 116, 523, 217, 524, 531, 117, 113 and 118/1997, 93, 92, 95, 94, 88, 90 and 89/1998, for the Appellant; S.C./A.S. Mehadia and M. Anilkumar, in F.A. Nos. 166, 280, 597, 731, 722, 721, 719, 697, 696, 616, 615, 614 and 613/1996, 116, 523, 217, 524, 531, 117, 113 and 118/1997 and 93, 92, 95, 94, 88, 90 and 89/1998, for the Respondent

Final Decision : Allowed

Judgement

Chaudhari A.B., J.—In all these first appeals since according to learned Counsel for both sides only one question of law is involved for decision, they were finally heard together. The question of law that falls for considerations of this Court is framed thus:

(i) Whether the claimants in the compensation cases i.e. the appellants herein in all these appeals are entitled to interest @ 5% per annum as provided u/s 17(3) of the Coal-Bearing Areas (Acquisition And Development) Act, 1957 with Rules (for short Act of 1957) irrespective of the fact that during the period of the said delay possession Of the suit fields were not taken by the respondent-acquiring body?

2. In support of the appeals, learned Counsel for appellants in all these appeals made the following submissions:

(i) After issuance of Section 9 notification by virtue of Section 10 of the Act of 1957 the land under notification belonging to the appellants vested in the Central Government and the effect of vesting is complete denudation of title, right, power and control in and over the suit property including tine one of possession thereof and therefore, the consequences must follow, namely, actual payment of compensation effective from the date of vesting and in the absence of payment of compensation the claimants will be entitled to statutory interest provided by Section 17(3) of the Act of 1957 @ 5 % per annum for such period of delay.

(ii) According to learned Counsel for appellants it is the case of the appellants that in fact they had given possession immediately after Section 9 notification was published. But then Mr. S.C. Mehadia learned Counsel for respondent countered this submission saying that the date on which possession was taken has been mentioned by the appellants themselves in the memo of appeal which is after publication of Section 9 notification. Advocate Shri Charde for appellants; therefore, argued that this Court should decide the appeals on the premise that possession was taken afterwards.

(iii) Since Section 10 of the Act of 1957 provides that there shall be vesting of suit land upon publication of declaration u/s 9 notification free from all encumbrances the same would include the encumbrances of physical possession of the claimant on the suit land and therefore, de jure and de facto Central Government becomes the owner and possessor of the suit property. Section 12 of the Act of 1957 provides for a power to take possession in case of any resistance and it is not the case of the respondent - acquiring body that any of the claimants or his representative ever obstructed in the process of taking possession and as a matter of fact admittedly till the date of taking of actual possession no action for taking possession after issuance of Section 9 notification was ever taken and thus claimant is deprived of property for which he must get compensation at the point of time when he so deprived and in case of delay he must get the statutory interest provided u/s 17(3) of the Act of 1957.

(iv) Inviting my attention to Section 13(5) and Section 17(1) and (2) of the Act of 1957 he argued that there is obligation to pay compensation to the right person in Sub-section (1). In Sub-section (2) in case there is refusal on the part of the claimant to accept the amount of compensation or there is dispute about sufficiency of the amount of compensation or there is defect in title or apportionment thereof the obligation is to deposit the entire amount of compensation with the Tribunal. In these cases at hand none of these contingencies indicated in Sub-section (2) admittedly exist and therefore, the only option for the respondent/acquiring body was either to pay the compensation and in case of doubt on any count whatsoever to deposit the same with the Tribunal. In these cases the amount was neither paid to the claimants nor deposited with the Tribunal but it remained with the respondent. The provisions of the Act of 1957 do not contemplate retention of this money by respondent and therefore, the claimants would be entitled to statutory interest.

(v) There is no provision in the Act or Rules that compensation shall become payable only after taking possession and that is all the more so because vesting takes place immediately upon publication of notification u/s 9 of the Act in contrast to Section 16 of the Land Acquisition Act where vesting takes place only after taking of possession of the land and not before.

(vi) The Tribunal had earlier not granted statutory interest in many cases but then the Tribunal rectified its mistake in subsequent judgments and started granting statutory interest u/s 17(3) of the Act of 1957 which change deserves to be taken into consideration by this Court.

He placed reliance on the following decisions.

(1) Shanti Neogy Vs. 1st Land Acquisition Collector, Calcutta and Another, .

(2) 1979 (1) Kant.L.J. 76 (Kusumbai v. Special Land Acquisition Officer and Anr.).

(3) Smt. Chandraprabhaben Navinchandra Bharatiya Vs. State of Gujarat and Others,

(4) Judgment in First Appeal No. 108/1993 (Bom.H.C.) (Balwant son of Ganpatji Bonde v. The General Manager, Western Coalfields Ltd., Wani Area, Chandrapur, District-Chandrapur and Anr.). By Shri A.H. Joshi, J. (Nagpur Bench).

(5) Award in Compensation Case No. 97/98 Dadaji Ramaji Madavi v. Chief General Manager, WCL, Wani (N) Area, at Ukani, Tq. Wani, Distt. Yeotmal, passed by Special Tribunal, Nagpur Presided over by Shri M.R. Waikar, J.

(6) Award in Compensation Case No. 106/98 Mukinda s/o Jairam Gokhare v. Western Coalfields Limited through its General Manager, Wani North Area at Ukani, Tahsil Wani, District : Yavatmal, passed by Special Tribunal, Nagpur Presided over by Shri M.R. Waikar, J.

(7) Ashok Kumar and Others Vs. State of Haryana and Another, .

(8) Hissar Imporvement Trust Vs. Smt. Rukmani Devi and another, .

(9) Sunder Vs. Union of India,

(10) S. Amarjit Singh Kalra (dead) by Lrs. and Others and Smt. Ram Piari (dead) by L.Rs. and Others Vs. Smt. Pramod Gupta (dead) by Lrs. and Others, .

(11) Tanaji Abaso Pawar and Others Vs. State of Maharashtra and Another, .

(12) Ajit Singh and Others Vs. State of Punjab and Others, .

(13) Kishorekumar Mohanlal Kothari Vs. State of Maharashtra and Another, .

(14) U.P. State Industrial Development Corporation Vs. Rishabh Ispat Ltd. and Others, U.P. State Industrial Development Corporation Vs. Rishabh Ispat Ltd. and

Others, .

(15) 1997(1) AILACC (A.P.) 341 (Kotipalli Chitti v. Special Deputy Collector of L.A. for ONGC, Rajahmundry).

(16) Alok Shanker Pandey Vs. Union of India (UOI) and Others, .

(17) 1986 B.C.I. (soft) 129 (N.B.) : 1985 Mh.LJ. 636 (Madhav Gopalrao Sanap v. State of Maharashtra and Ors.).

(18) Hazara Singh Ganda Singh Vs. The State of Punjab and Others, .

(19) AIR 1941 Nag 357 (Seth Narainbhai Ichharam Kurmi and Anr. v. Narbada Prasad Shecsahai Pande and Ors.).

3. Per contra, Advocate Shri Mehadia with Advocate Shri M. Anilkumar for respondent vehemently opposed these appeals and made the following submissions.

(i) It is the first principle that payment of interest is by way of compensation provided a person is deprived of ''use of his property". Going by this principle of law admittedly possession of the property in question remained with the claimants and they were not deprived of the use of the property and if that is so the Court cannot grant interest by, way of compensation. In all these cases admittedly all the claimants continued to be in possession of their respective properties and it can by no stretch of imagination be said that they were put to loss or that they were deprived of the use of their property.

(ii) In all these cases admittedly acquisition was for the land, the surface and below, and possession was not taken immediately because acquisition is made for thousands of acres of lands and the process of obtaining Coal is time consuming and it is not therefore possible to take possession immediately but then since the claimants were admittedly in possession of those lands they cannot be given statutory interest as no damage was caused to their property nor they were actually away from the possession Of the suit properties.

(iii) Inviting my attention to the Scheme of the Act of 1957 Advocate Shri Mehadia argued that Section 7 of the Act of 1957 indicates a mere intention to acquire the land and after issuance of Section 9 notification the said intention stands crystallized. Thereafter Section 12 of the Act of 1957 provides for taking possession of such notified lands which can be taken as provided therein. Section 9 or Section 10 of the Act of 1957 does not speak of delivery of possession and therefore, the term vesting used in Section 10 of the Act of 1957 will have to be looked at taking pragmatic view of the matter.

(iv) It cannot be disputed that assessment of compensation is not a matter of a single day and since a detailed procedure is required to be followed, namely, collecting evidence, giving opportunity to all the concerned, to place reliable evidence on record to arrive at the market price of the land the compensation will become due only when complete adjudication thereof is made by the competent authority and therefore, it cannot be said that immediately upon declaration u/s 9 compensation becomes payable or due ami any delay caused in making actual payment would result into creation of statutory liability of interest. This is fortified from the fact that Rule 5-A of the Coal-Bearing Areas (Acquisition And Development) Rules, 1957 provides for a procedure, namely, that an application for compensation has to be filed within certain time and after adjudication the competent authority is required to determine the compensation.

He relied on the following decision.

(i) National Insurance Co. Ltd. Vs. Mubasir Ahmed and Another, .

4. A survey of the provisions of Coal-Bearing Areas (Acquisition And Development) Act, 1975 and the Land Acquisition Act, 1894 would be necessary before dealing with the submissions made by learned Counsel for the rival parties. Sections 4, 5 and 7 of the Act of 1957 read thus.

4. Preliminary notification respecting intention to prospect for coal in any area and powers of Competent Authorities thereupon - (1) Whenever it appears to the Central Government that coal is likely to be obtained from land in any locality, it may, by notification in the Official Gazette, give notice of intention to prospect for coal therein.

(2) Every notification under Sub-section (1) shall give a brief description of the land and state its approximate area.

(3) On the issue of a notification under Sub-section (1), it shall be lawful for the competent authority and for his servants and workmen:

(a) to enter upon and survey and land in such locality;

(b) to dig or bore in the subsoil;

(c) to do all other acts necessary to prospect for coal in the land ;

(d) to set out the boundaries of the land in which prospecting is proposed to be done and the intended line of the work, if any, proposed to be made thereon;

(e) to mark such boundaries and line by placing marks; and

(f) where otherwise the survey cannot be completed and the boundaries and like marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed Court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days'' notice in writing of his intention to do so.

(4) In issuing a notification under this section the Central Government shall exclude therefrom that portion of any land in which coal mining operation are

actually being carried on in conformity with the provisions of any enactment, rule or order for the time being in force or any premises on which any process ancillary to the getting, dressing or preparation for sale of coal obtained as a result of such operations is being carried on are situate.

5. Effect of notification on prospecting licences and mining leases - On the issue of a notification under Sub-section (1) of Section 4 in respect of any land:

(a) any prospecting licence which authorises any person to prospect for coal or any other mineral in the land shall cease to have effect; and

(b) any mining lease shall, in so far as it authorizes the lessee or fairly person claiming through him to undertake any operation in the land, cease to have effect for so long as the notification under that sub-section is in force.

7. Power to acquire land or rights in or over land notified u/s 4-(1) If the Central Government is satisfied that coal is obtainable in the whole or any part of the land notified under Sub-section (2) of Section 4, it may, within a period of two years from the date of the said notification or within such further period not exceeding one year in the aggregate as the Central Government may specify in this behalf, by notification in the Official Gazette, give notice of its intention to acquire the whole or any part of the land or any rights in or over such land, as the case may be.

(2) if no notice to acquire the land or any rights in or over such land is given under Sub-section (1) within the period allowed thereunder, the notification issued under Sub-section (1) of Section 4 shall cease to have effect on the expiration of three years from the date thereof.

5. Perusal of the above provisions show that preliminary notification is issued u/s 4(1) by giving notice of intention to prospect for coal. Immediately after issuance of notification Sub-section (3) provides that the competent authority or its servants are authorized to undertake all such activities necessary to prospect for coal in such lands. In other words all preliminary steps to decide which pieces of lands should be acquired to prospect for coal are taken and a complete survey of utility of the lands required is thus firmly decided. It appears to me that these preliminary steps are taken to prospect for coal in respect of the lands which are clearly identified and no scope is left in future for abandoning acquisition or for withdrawal of the acquisition and that is why in this Act of 1957 there is no provision for abandonment of acquisition or withdrawal of acquisition for want of utility of the land by the acquiring body and as such utility is already decided after issuance of preliminary notification u/s 4 of the Act. Section 5 of the Act of 1957 speaks of the consequences of issuance of such notification u/s 4(1) of the Act of 1957 and as a result any prospecting licence to prospect for coal or any operating mining lease cease to operate.

6. Reading of Section 7 shows that after survey to prospect for coal is undertaken and utility of lands to prospect for coal are identified firmly and

Central Government is satisfied with the same, a notification u/s 7 is issued showing notice of its intention to acquire such lands.

7. Section 9 of the Act of 1957 reads thus.

9. Declaration of acquisition - (1) When the Central Government is satisfied, after considering the report, if any, made u/s 8 that any land or any rights in or over such land should be acquired, a declaration shall be made by it to that effect, and different declarations may be made from time to time in respect of different parcels of any land, or of rights in or over such land covered by the same notification under Sub-section (1) of Section 7, irrespective of whether one report or different reports has or have been made (whether required) under Sub-section (2) of Section 8.

8. After hearing of objections and receipt of report from the competent authority if the Central Government is satisfied that such lands should be acquired a declaration under this Section 9 is made in respect of such lands covered by notification u/s 7(1). It is, thus, clear that the stage of Section 9 comes after a final report is submitted by the competent authority to the Central Government that too after hearing the objections of the objectors and thus the identification of the land for acquisition is once for all firmly decided by the Central Government and it is only thereafter this declaration u/s 9 is issued. Sub-section (1) of Section 10 of the Act of 1957 reads thus:

10 (1) - On the publication in the Official Gazette of the declaration u/s 9, the land or the rights in or over the land, as the case may, be, shall vest absolutely in the Central Government, free from all encumbrances.

9. Perusal of Section 10(1) of the Act of 1957 shows the consequence of publication of declaration u/s 9 of the Act of 1957. The consequence is that all rights in and over the land shall vest absolutely in the Central Government and that shall be free from all encumbrances.

10. Dictionary meaning of word Vest'' as per New Concise Oxford English Dictionary is as under:

Vest :- give (Someone) the legal right to power, property etc.

11. Section 11(1) of the Act of 1957 reads thus:

11(1) Notwithstanding anything contained in Section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government u/s 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction.

This section speaks of power of the Central Government to order vesting of such lands in the Government company which could be on the date of publication of declaration or other such date as may be specified.

12. At this stage it would be appropriate to refer to relevant provisions of the Land Acquisition Act, 1894.

Section 4 of the Land Acquisition Act of 1894 provides for issuance of a preliminary notification. Section 6 provides for a declaration i.e. required to be made after hearing of objections u/s 5-A. Thereafter the process to adjudicate upon the quantum of compensation for land commences by issuance of notice u/s 9 and enquiry under Sections 10 and 11 of the Act of 1894. Upon completion of enquiry u/s 11 of the Act, Collector has to make an award u/s 11 which then becomes final u/s 12 of the Act. It is after this complete adjudication regarding compensation etc. and making of award u/s 11, Section 16 of the Act comes into play. Section 16 of the Land Acquisition Act reads thus.

16. Power to take possession - When the Collector has made an award u/s 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, from all encumbrances.

13. Thus looking to the scheme of the Land Acquisition Act 1894 and in particular Section 16 thereof it is absolutely clear that the land does not vest in the Government until adjudication regarding compensation to be paid is made by the Collector by making award and no possession is taken till that stage, no vesting takes place till that stage. As against this, as noticed earlier Section 10 of the Act of 1957 provides for vesting of the land or rights in and over the land free from all encumbrances immediately after declaration u/s 9 and well before even the commencement of procedure for computation of compensation etc. Legal effect of vesting is total loss of control over the property including possession thereof. This aspect regarding vesting of land under Land Acquisition Act was considered by this Court in the case of (Ganesh Rangnath Dhadphale v. Special Land Acquisition Officer (I), Pune and Ors.) reported in 1979 B.C.I. (soft) 101 : 1979 MH.L.J. 786 and I quote paragraph No. 47 therefrom as under:

47. Mr. Agarwal, the learned Advocate appearing for the petitioner in Special Civil Application No. 2 of 1978 contends that even though the competent officer has issued notification u/s 10(1) of the Urban Land Ceiling Act, the proceedings under the Land Acquisition Act having been indicated earlier, owners get a vested right of, the land being acquired under the Land Acquisition Act and they being paid compensation according to the provisions thereunder. The Competent Authority, according to Mr. Agarwal, has no jurisdiction either to include the land so subjected to proceedings in the Land acquisition Act earlier, in the final statement u/s 9 or to acquire the same u/s 10 of the Act. The entire foundation for this argument is the assumption that the award becomes effective in all its implications not from the date on which it is made or on the date when the possession of the land is taken by the Government u/s 16 of the Act but on the date when Section 4 Notification is issued by the Government. This assumption is

again based on Section 23 of the Act which requires determination of compensation at the rate prevalent on the date of Notification u/s 4 of the Act. The contention is liable to be rejected as misconceived. Now, this mere circumstance of the obligation to pay compensation at the rate prevalent on the date of Section 4 Notification cannot make the Government owner of the land from that date nor extinguish the title of the owner on that date. Any such interpretation will be contrary to the plain wording of Section 16 of the Land Acquisition Act under which title of the owner is not extinguished and the same does not get vested in the Government till the possession of the land is not taken, after the declaration of the award. In fact, till that date it is open for the Government to drop the proceedings without anything if no notice u/s 9 is issued or to withdraw the proceedings thereafter at any time in terms of Section 48 of the Act. There is no basis for contending that owner acquires any vested right in the acquisition by the State as soon as Section 4 notification is issued.

14. The discussion made by this Court above in paragraph 47 shows that vesting does not take place till the time possession is taken by the Government u/s 16 of the Act. It is interesting to note that provision of Section 10 provides for vesting in the Government but then by virtue of Section 11 Central Government can direct the vesting even in the name of Government company which can start the activities for which land is acquired. Undoubtedly, the person whose land is acquired is deprived of his legal authority to own and possess the land and he is denuded of all his rights, privileges and possession nor has any right to encumber the land in any manner whatsoever. The provisions of Section 13 onwards of this Act of 1957 provide for demand of compensation which is obviously in the nature of remedial measure provided by the legislature. While interpreting such provisions of law, the full Bench of Punjab High Court in the case of Hazara Singh Ganda Singh Vs. The State of Punjab and Others, stated in paragraph Nos. 14 and 15 as under:

14. ...In considering a remedial measure the Court must give to the provision of law as wide an interpretation as possible consistently with the language used by the Legislature. When an expression is capable of two interpretations it is open to the Court to consider what was the object of the Legislature and what was the mischief aimed at, and the Court must say and give that construction to a particular expression which will be more consistent with the suppression of the mischief rather than that mischief being allowed to continue uncontrolled. See Walchandnagar Industries Ltd. Vs. Ratanchand Khimchand Motishaw, .

15. Keeping in view the rules laid down in the aforesaid decisions and the scheme and the purpose of the Act, the argument of the learned Deputy Advocate General that the word ''due'' only means ''owed'' and not ''payable'' must be repelled. In Section 30 of the Act, the words ''sums due under this Act'' would also cover ''sums payable under this Act'' or even ''sums recoverable under this Act'', and in that case they need not necessarily be ''owed'' in the technical sense in which the learned Deputy Advocate General wants the word ''due'' to be

interpreted. In my view the words ''payable'' and ''due'' in this Act have been used synonymously.

If the interpretation, which I have placed on the ''sums due under this Act'' is not placed, it would defeat the very purpose and object of the Act and would lead to absurdity. There are no sums due under the Act possibly with the exception of sums which becomes due by way of rent of evacuee property after it is transferred to the compensation pool. Section 21 provides for recovery of certain sums as arrears of land revenue and they are sums payable to Government or to the Custodian in respect of any evacuee property, which had become due prior to the date of acquisition of such property under the Act. According to the argument of the State Counsel, they would be sums due under the Administration of Evacuee Property Act and Section 21 only makes them recoverable under the Act. But then, the learned Counsel did not contend that which is covered by Section 21 is not a sum recoverable under the Act....

15. I would prefer to follow the course of interpretation suggested by the Punjab High Court while interpreting the provisions of the Act of 1957 in the instant cases.

16. In the light of the above discussion it is not possible for me to agree with Advocate Shri Mehadia that merely because respondent did not take possession of the land by mere effect of vesting the claimant would not be entitled to statutory interest he being in possession of the land. The reason is that term vesting has a serious consequence in law, namely, of denudation of all rights, title, power and control so also possession and this Court is required to see the effect of vesting ''in law'' and not whether physically the claimant was in possession despite vesting u/s 10 of the Act of 1957. At any rate, respondent did not bring any evidence on record as to what benefits were reaped by the appellants after vesting from the suit property in order to support its stand that the claimants cannot be given double benefit. Considering the submission made by Advocate Shri Mehadia about the computation of compensation and the time required for that I find that the Parliament has chosen to first get the land vested in the Central Government and then commence the process for adjudication of quantum of compensation as against the scheme of the Land Acquisition Act where Parliament provided for adjudication of claims and for compensation and making of award first and thereafter to take possession and vesting land in the Government. These are the two different schemes under two different enactments and that is the wisdom of the Parliament. It would be therefore idle to contend that the claimant would not be entitled to statutory interest despite vesting of the lands merely because physical possession was not taken for some years even after vesting. It is nobody''s case that any of the claimants resisted the delivery of possession at any point of time. 17. Section 17 of the Act of 1957 reads thus.

17. Payment of compensation. - (1) Any compensation payable under this Act may be tendered or paid to the persons interested or entitled thereto, and the

Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in Sub-section (2).

(2) If the persons interested or entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof the Central Government shall deposit the amount of compensation with the Tribunal:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso, shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal.

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per cent per annum from the time the compensation became due until it shall have been so paid or deposited.

Reading of Sub-section (1) of Section 17 of the Act of 1957 shows that compensation payable under the Act will have to be paid to the persons interested or entitled thereto. Sub-section (2) of Section 17 of the Act of 1957 provides that in case there is any dispute as indicated in Sub-section (2) the entire amount of compensation has to be deposited with the Tribunal and that is mandatory. Thus there are only two options indicated in this provision. First one is to pay to the right person and the second one is in the event of dispute to deposit with the Tribunal. In other words the amount cannot be retained by the Central Government. In the instant cases there is no dispute that for the period in question the amount was neither tendered to the claimants nor the same was deposited with the Tribunal and was admittedly retained by the respondent. This third eventuality of retention by the respondent is not to be found anywhere in the Act of 1957 and therefore, the same tantamounts to violation of Section 17 of the Act of 1957 by the respondent. A look at Sub-section (3) of Section 17 of the Act of 1957 fortifies the above inference drawn by me. Sub-section (3) also shows that if the amount of compensation is not paid or not deposited (with Tribunal) the Central Government shall be liable to pay interest @ 5% per annum. In the instant cases the amount was neither paid nor deposited and therefore, the mandate of Sub-section (3) of Section 17 of the Act of 1957 regarding liability of interest must apply. Submission made by Advocate Shri Mehadia that the compensation becomes due only after its adjudication does not impress me in view of the detailed discussion made herein before about vesting of land and the deprivation of claimant of his property from the date of vesting.

18. The decision of the Supreme Court in the case of National Insurance Co. Ltd., cited supra, has no application in the facts of the present case in which the question is about the deprivation of land and payment of compensation. In the result, I make the following order.

(i) All first appeals are allowed with costs.

(ii) The impugned judgment and award made by the Tribunal in each compensation case is modified.

(iii) The appellants are held entitled to statutory interest @ 5% per annum as provided by Section 17(3) of the Coal-Bearing Areas (Acquisition and Development) Act, 1957. The amount in each case is quantified as under:

Decree be drawn accordingly.

