

(1996) 03 SC CK 0176

In the Supreme Court Of India

Case No : Civil Appeals No. Of 1996 With Nos. Of 1996

Nuclear Power Corpn. Ltd.

APPELLANT

Vs

Hodal Singh

RESPONDENT

Date of Decision : 11-03-1996

Acts Referred:

Citation : (1997) 11 SCC 348 : (1998) SCC(L&S) 140

Hon'ble Judges : S. C. Agrawal, J;G. T. Nanavati, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted in all the matters.

2. These appeals are directed against the interim orders passed by the Allahabad High court in pending appeals arising out of proceedings for acquisition of land. In Civil arising out of Special Leave Petitions Nos. 24955 and 24951 of 1995 the High court, by the impugned orders, has directed stay of execution of the impugned award of the civil court (on a reference) subject to the appellants depositing 50.00 per cent of the amount enhanced after the award of the Special Land Acquisition Officer with interest etc. and has further directed that on such amount being deposited 50.00 per cent of the said amount shall be paid to the claimant-respondents without security and balance amount shall be payable to the claimant-respondents on their furnishing adequate security to the satisfaction of the court below other than cash or bank guarantee. The realisation of the 50.00 per cent of the enhanced amount of the Special Land Acquisition Officer has thus been stayed in these terms. In other appeals the High court, by the impugned orders, has directed the appellants to deposit the entire amount awarded and that 40.00 per cent of the total amount shall be paid to the claimant-respondents without security and the balance amount shall be deposited in the name of the court below itself in some nationalised bank FDR for an initial period of two years.

3. Shri Goel, the learned counsel for the appellants, has submitted that in making the impugned orders the High court had departed from earlier orders that have been passed in a large number of other appeals which have been filed against the same award made by the civil court on reference and that in those cases the High court has only directed the appellants to deposit the amount of the enhanced amount of compensation in court but has not made any direction regarding payment of any amount to the claimant-respondents. The learned counsel states that the appellants have deposited the amount as per the directions given by the High court in the impugned orders which fact is, however, not admitted by the learned counsel for the respondents.

4. Thus it appears that except in the appeals in these cases, the High Court, in other appeals against the same award of the civil court, has not given any direction regarding payment of any amount out of the enhanced amount of compensation to the claimant-respondents during the pendency of the appeals, the High court if it wanted to depart from the said orders, should have given reasons for making such departure. In the impugned orders no reasons have been given by the High court for making such a departure. The appeals are, therefore, allowed and the impugned orders as regards payment of a part of the enhanced amount of compensation to the claimant-respondents are set aside. The High court will reconsider the matter regarding such payment keeping in view the orders that have been passed in other appeals arising out of same acquisition proceedings where no such direction has been given. No orders as to costs.