

M/S Prem Sukh Bothra (Huf) And Ors vs Office Of The Cometent Authority (Land ... on 27 September, 2019

Author: Vipin Sanghi

Bench: Vipin Sanghi, Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 13960/2018

M/S PREM SUKH BOTHRA (HUF) AND ORS. Petitioners

Through: Mr. Akhil, Advocate.

versus

OFFICE OF THE COMETENT AUTHORITY

(LAND ACQUISTION) UNDER THE NATIONAL

HIGHWAYS ACT, 1956 AND ORS.

..... Respondents

Through:

Ms. Jyoti Tyagi, Advocate for
respondent No. 1/ LAC.

Mr. Deepak Anand, Advocate for
respondent No. 3.

Ms. Padma Priya, Advocate for
respondent No. 4/ NHAI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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27.09.2019

C.M. No. 43559/2019

Issue notice. Learned counsel accepts notice on behalf of respondents No. 1, 3 and 4.

At the outset, we observe that in the order dated 16.05.2019, it is mentioned that the acquisition was under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, whereas the same was under the National Highways Act.

Learned counsel for the respondent No. 3 states that the TDS amount had indeed been deposited with the Income Tax Department but the said fact could not be correctly informed to the Court when it passed the order dated 16.05.2019 on account of the fact that the 26AS Form had not been filed till then and it was filed only on 02.02.2019. He submits that on this aspect, respondent No. 3 had verified the position after the status report has been filed on behalf of respondent No. 1. He submits that respondent No. 3, in fact, had moved an application for correction of the order which is lying under objections.

In view of the aforesaid position, we direct respondent No. 3 to forthwith refund the TDS - that stood deducted, to the petitioner positively within the next two weeks.

The petitioner would also be entitled to interest in terms of the order dated 16.05.2019. The respondent No. 1, on the one hand, and respondent No. 3, on the other hand are, however, at logger heads as to who should be saddled with the liability towards interest. In our view, this dispute is unnecessary considering the fact that the interest would have to come out of the pocket of UOI in any case. Be that as it may, since the said respondents would like to defend their position on the aspect of payment of interest, list the matter on 17.10.2019. In the meantime, the said respondents may file whatever documents they wish to file.

VIPIN SANGHI, J SANJEEV NARULA, J SEPTEMBER 27, 2019 B.S.Rohella