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EX CIVIL 17/12/2014 15979/16

C. K. JAIN  
Vs.  
UNION OF INDIA

Present: Mr. Mayank Bansal, Ld counsel for DH Rajeev  
Mr. Deepak Khosla, Ld Counsel for DH Sanjeev  
through VC  
Ms.Sarita Aggarwal, Ld counsel for UOI

O R D E R  
07.06.2024

1. Shri Dheeraj, JA from LAC Branch, Central Distt. THC is present. He states that the interest under Section 4(3) LA Act was not made payable to the present award in the judgment and that is why, it has not been added in the report.
2. I find merit in his submission.
3. Ld Counsels for the DH submit that the calculation of the District Nazir is incorrect since it does not calculate interest as per the judgment in the case of *Gurpreet Singh vs Union Of India*, as per which payment made by the judgment debtor is to be first applied towards satisfaction of the interest which has accrued till the date of the payment and then towards the principal amount.
4. District Nazir states that the interest has not been calculated as per *Gurpreet Singh* but as per the prevalent practices, but if directed, he will file a fresh report on its lines.
5. I have also perused the case file and heard the parties.
6. Ld Counsels for DHs state that at least the deposited amount of Rs 64,78,764/- be released to DH.

7. Put up for order at the end of the board.

(Richa Gusain Solanki)  
District Judge-02, South-West,  
Dwarka Courts, Delhi  
07.06.2024

AT1545Hrs

Present: Shri Dheeraj, JA from LAC Branch, Central in person.

Ms Sarita Aggarwal for UOI (through VC)

8. Ld Counsel for UOI states that she needs a week's time to go through the previous execution petitions since she needs to see why the previously filed execution petitions were disposed of if they had not been satisfied.

9. It is further submitted by Ld Counsel for UOI that at the time of depositing the compensation, if the UOI had specifically mentioned how the same is to be apportioned between principal and interest, the same is binding on the DHs. Some time is sought to go through the previous executions on this count also.

10. I have gone through the records of the previous LAC file as well the execution petition.

11. In the previous execution petition, once a cheque in the sum of Rs 1,61,69,662/- (after tax deduction, half being payable to the DH of this petition) was received in the court vide letter dated 12.08.1992 and later a cheque in the sum of Rs 22,70,310/- (after TDS, half being payable to the DH of this petition) was received in the court vide letter dated 25.01.1993. Neither of these letters state that the amount is to adjusted towards principal or interest.

12. Therefore, the judgment in the case of *Gurpreet Singh*

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would apply. Further, I have also gone through the calculation filed by UOI on 15.04.2023. In this calculation too, all payments, that is, Rs.87,34,098.50, Rs.12,07,470 and Rs.28,53,000 are treated as being adjusted towards the interest amount only.

13. Therefore, there is no merit in the contention that the payments made till date were towards the principal amount.

14. Further, the previous execution petition was disposed of on the understanding that the remainder compensation would be payable to the IT Department. Order dated 02.08.2019 of this Court and subsequent orders highlight the same.

15. Even as per the calculation sheet of UOI, Rs 29,70,947.16 is still due to the DH. Although, this calculation sheet is erroneous, there is no doubt that some compensation still remains due to the DH.

16. As per the District Nazir report Rs 7,62,778 still remains due after the deposit of Rs 64,78,764. After applying *Gurpreet Singh*, this amount would increase further. Therefore, there is no impediment in releasing the deposited amount to the DH.

17. Let the file be sent to District Nazir, Central District, Tis Hazari Courts, Delhi for release of payment of Rs 64,78,764 and for preparing fresh DNR in terms of *Gurpreet Singh*.

18. Put up for further proceedings on **02.08.2024**.

(Richa Gusain Solanki)  
District Judge-02, South-West,  
Dwarka Courts, Delhi  
07.06.2024/DK