



2022-JKLHC-JMU:7145

Serial No. 99

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- CM No. 1229/2025 in
OWP No. 812/2005

Sharma Lime Kiln and othersApplicant(s)/Petitioner(s)

Through: Mr. U. K. Jalali, Sr. Advocate with
Ms. Shivani Jalali, Advocate.

Vs

Union of India and others

.....Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(07.05.2025)

CM No. 1229/2025

- 01.** Adjudication of writ petition OWP No. 812/2005 filed by fourteen (14) petitioners came to take place by virtue of a judgment dated 03.02.2025 passed by this Court.
- 02.** The judgment dated 03.02.2025 disposing of the writ petition OWP No. 812/2005 was following the judgment given by a co-ordinate Bench of this Court in a writ petition OWP No. 803/2005.
- 03.** The writ petition OWP No. 803/2005 came to be disposed of by virtue of a judgment dated 28.09.2018 against which a letters patent appeal LPAOW No. 05/2019 came to be filed and disposed of vide judgment dated 29.10.2021 and finally the matter was taken to Hon'ble the Supreme Court of India



through Special Leave Petition SLP(C) No. 6160/2022 resulting in Civil Appeal No. 5421/2023 disposed of vide judgment dated 25.08.2023.

- 04.** The operative part of the judgment dated 28.09.2018 in OWP No. 803/2005 which attained and retained its finality upto the Hon'ble Supreme Court of India with respect to the direction unto the writ respondents to release the amount of interest @ 12% per annum, in favour of the writ petitioners of OWP No. 803/2005, accrued on the amount deposited by the writ petitioners and illegally withheld by the writ respondents, from the day the amount was deposited by the writ petitioners with the respondents to the date of final realization.
- 05.** This Court while disposing of the writ petition OWP No. 812/2005 passed on the direction for refund and release of the amount of interest in favour of the writ petitioners of OWP No. 812/2005 @ 12% on the amount of Rs. 1,48,87,476/- as being the amount it was deposited by the petitioners before being refunded to them but the subsequent part of the direction as given in the judgment dated 28.09.2018 got missed out in being mentioned and that is "and illegally withheld by the respondents, from the day the amount was deposited by the petitioners with the respondents to the date of its final realization".



06. For seeking the incorporation of the aforesaid observation/direction in the judgment dated 03.02.2025, the petitioners have come forward with the present application CM No. 1229/2025.

07. The prayer made in the application is genuine and on parity basis with the disposal of the writ petition OWP No. 803/2005 in terms of judgment dated 28.09.2018, as such, the application is allowed and the direction given by this Court in para-29 of the judgment dated 03.02.2025 be read in the following manner.

“29. Thus, the respondent No. 2-BCCL, in particular, is directed to pay interest in favour of the petitioners @ 12% per annum on the amount of Rs. 1,48,87,476/- as being the amount which was deposited by the petitioners before getting refunded to them, and illegally withheld by the respondents, from the day the amount was deposited by the petitioners with the respondents to the date of its final realization. Needful be done by the respondent No. 2-BCCL within a period of three months from the date a certified copy of this judgment is served upon the respondent No. 2-BCCL by the petitioners.”

08. Application stands disposed of. The present order to be read as part and parcel of judgment dated 03.02.2025.

(RAHUL BHARTI)
JUDGE

JAMMU
07.05.2025
Shivalee