

|1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(S).3147 OF 2014
STATE ELECTION COMMISSION, U.P.
VERSUS

APPELLANT(S)

LALLUJI BALKRISHNA DAS & BROTHERS & ORS. RESPONDENT(S)
O R D E R

1. Having heard the learned counsels for the parties we find no ground for interference.

2. The amount that was held to be due to the respondent-claimant by the High Court was on the basis of an audit report dated 28.02.2003, the relevant portion of which is extracted below :

(1) Total amount of Bills submitted by the firm for construction of place of polling and arrangement for counting of votes

Rs.17,78,509.00

(2) Amount of bills after their verification and evaluation

Rs.17,01,560.00

(3) Payment made to the Firm Rs.3,37,612.00

(4) On the basis of work done and after decision of the

2

Commission on the irregularities committed by the departmental officers Rs.13,63,948.00

(5) Amount under deposit in the Vijaya Bank in the Account of Nagar Nikaya 1995

Rs.4,01,470.00

(6) Amount to be released by the Commission Rs.9,62,478.00

3. The amount of Rs.4,01,470/-, mentioned in the aforesaid extract from the audit report, was found by the High Court to have been paid back to the State Election Commission and hence the claimant was found to be entitled to compensation of Rs.13,63,948/-. We find no infirmity with the aforesaid finding.

4. Insofar as rate of interest is concerned, the High Court had scaled down the interest rate from 18%, as claimed by the respondent-claimant, to 6%. However, the award of interest has been made effective from the date of report of the District Magistrate i.e. 27.09.1999. As the audit report on which the High Court has placed reliance is dated 28.02.2003, we are of the view, that the

3

interest would be payable from the said date i.e. 28.02.2003, which will now be paid along with the principal dues at rate of 6% per annum till the date of actual payment. The said payment shall be made within three months from today, failing which the amount will carry interest at the rate of 9% per annum.

5. In implementing the order of this

Court, we leave it open to the State Authorities and the State Election Commission to work out the precise liability of either of the two or to pay the amount by an apportionment thereof, as the case may be.

6. The appeal is disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(ASHOK BHUSHAN)

NEW DELHI

FEBRUARY 08, 2017

4

ITEM NO.101

COURT NO.4

SECTION XI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Civil Appeal No(s). 3147/2014

STATE ELECTION COMMISSION, U.P.

Appellant(s)

VERSUS

LALLUJI BALKRISHNA DAS & BROTHERS & ORS.

Respondent(s)

(interim relief and office report)

Date : 08/02/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Dr. Rajeev Dhawan, Sr. Adv.

Mr. Ashutosh Kumar Sharma, Adv.

Mr. Kabir S. Ghosh, Adv.

For Mr. Ravi Prakash Mehrotra, Adv.

For Respondent(s) Mr. S.D. Singh, Adv.

Ms. Bharti Tyagi, Adv.

Mr. Shrish Kumar Misra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order.

(Neetu Khajuria)

Court Master (Asha Soni)

Court Master

(Signed order is placed on the file.)