

ITEM NO.1

COURT NO.10

SECTION XIV

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

## RECORD OF PROCEEDINGS

I.A. NO. 2 OF 2005

IN

CIVIL APPEAL NO. 4994 OF 1997

U O I

Appellant (s)

VERSUS

DEHA ASSAM TEA CO.(P) LTD.&amp; ANR.

Respondent(s)

(For directions and office report)

Date: 27/09/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Appellant(s)

Mr. Harish Chandra, Sr.Adv.

Mr. S.W.A. Qadri, Adv.

Mrs Anil Katiyar,Adv.

For Applicant/

Respondent(s)

Mr. M.L. Lahoty, Adv.

Mr. Paban K. Sharma, Adv.

Mr. Himanshu Shekhar,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for both the parties.

I.A. No. 2 is ordered.

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Court Master

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[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. 2 OF 2005

IN

CIVIL APPEAL NO. 4994 OF 1997

Union of India

...Appellant(s)

Versus

Deha Assam Tea Co.(P) Ltd. and Anr.

...Respondent(s)

O R D E R

Heard learned counsel for both the parties.

An order was passed by this Court on 16th September, 2003, directing the

Union of India to pay the amount awarded by way of compensation together with

interest at nine per cent from the date of the award made by the Arbitrator, i.e., 15th

June, 1989. The Union of India was directed to pay the said sum within eight weeks

from 16th September, 2003. A cost of Rs.10,000/- was also awarded. Since the order

was not complied with by the Union of India, the claimant has filed the above I.A.No. 2

of 2005 to issue a direction to the appellant-Union of India to implement the order

dated 16th September, 2003, passed by this Court. It is stated in the application for

direction that in spite of personal meetings and representations, the directions of this

Court were not

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implemented notwithstanding the assurance in this respect given by the appellant.

Therefore, the claimant was compelled to issue a lawyer's notice calling upon the

appellant to make the payment in terms of the Court's order to the claimant, which

was also not complied with. It is, thus, seen that the directions issued by this Court

have not yet been implemented or followed for the last more than 16 months.

Therefore, the claimant was compelled to file this application for direction to

implement the order dated 16th September, 2003.

When the matter was taken up for hearing today, the learned senior counsel

for the Union of India placed before us a calculation sheet calculating the amount

payable at Rs.10,23,555.07, which includes the cost awarded by this Court. A sum of Rs.1,191/- was deducted as excess principal paid. According to the Union of India, the net amount payable is Rs.10,22,364.07. For the said amount a demand draft bearing No. 041082 dated 6th September, 2005 was drawn in the name of Deha Assam Tea Company (Pvt.) Ltd. for a sum of Rs.10,22,364/-. According to the learned counsel for the claimant, the calculation made by the Union of India is not correct and that a sum of Rs.10,54,000/- being the interest and sum of Rs.10,000/- by way of cost is payable making in all Rs.10,64,000/-. It is open to the claimant to make a representation to the Union of India claiming balance amount by sending a calculation memo. The demand draft for Rs.10,22,364/- is handed over to the counsel for the claimant

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in Court, which is accepted by him without prejudice to his right to claim the balance amount. The conduct of the officers of the Department of Union of India cannot at all be countenanced. There is an inordinate delay in complying with the directions given by this Court. As already seen, the order was passed by this Court on 16th September, 2003 and two months time expired on 16th November, 2003. There is no acceptable explanation explaining the inordinate delay. The delay, in our opinion, is attributable to the officers concerned who are incharge of this particular case. It is open to the Union of India to take appropriate Departmental action against the officers concerned for the delay in complying with the order. In our opinion, a sum of Rs.25,000/- by way of cost shall be awarded, which would meet the ends of justice and to satisfy the delay.

The cost now awarded shall be paid within two weeks. The cost so awarded shall be paid by the demand draft payable within two weeks from today, failing which it is open to the counsel for the claimant to bring to the notice of this Court. We hope and trust that this order shall be strictly complied with and obeyed.

I.A. No.2 is ordered accordingly.

.....J.

[DR. AR. LAKSHMANAN)

.....J.

[ALTAMAS KABIR]

New Delhi,

September 27, 2005.