



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17439 of 2026

***Mahanadi Coalfields Limited &
another***

....

Petitioners

Mr. Saktidhar Das, Senior Advocate being
assisted by Mr. Haripada Mohanty, Advocate

-versus-

Dhobei Behera and others

....

Opposite Parties

CORAM:

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

21.07.2026

Order No.

01. 1. Mr. Saktidhar Das, learned senior counsel being assisted by Mr. Haripada Mohanty, learned counsel appearing for the petitioners referred to the concluding paragraph of the judgment dated 1st August, 2015 passed in T.C. No.91 of 2004 by the P.T.T.C.B.A.(O)-Cum-Additional District Judge, Talcher, wherein the following order is passed:

“The referencer is directed to calculate the compensation amount afresh in the aforesaid scale, i.e. Rs.1,90,000/- per acre for Sarad land and Rs.1,75,000/- per acre for all other Kism land, such as, Taila, Adi and Jalasaya along with escalation, solatium and interest@9% and 15% per annum as per the Notification till 31 August, 2015 respectively and to deposit the differential amount (fresh calculation –(minus) amount deposited+ accrued interest) by the end of January, 2016 for payment to the claimant failing which, the entire compensation amount (principal+interest+escalation+solatium) shall carry further interest @15% per annum from the date of Notification under Section 4(1) of the Act till realization.”



2. Learned Senior Counsel submitted that the petitioners are aggrieved by the observation with respect to the imposition of interest @15% per annum from the date of the Notification under Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957. He submitted that in view of Section 16¹ of the said Act, 1957, the interest can at best be imposed @5% per annum. He, therefore, submitted that the P.T.T.C.B.A.(O)-Cum-Additional District Judge, Talcher (now renamed/redesignated as *Full Time Tribunal under the Coal Bearing Areas (Acquisition and Development) Act, 1957*) transgressed its jurisdiction by directing payment of interest @15% which runs contrary to the provision laid down in the statute.

2.1. In similar context in many other cases, one of which being F.A.O. No.440 of 2023 (Annexure-9), this Court on 19th January, 2026 has passed the following order:

“1. Heard Mr. H. Mohanty, learned counsel for the Appellants. No one appears on call for the claimants – Respondents despite the name of their Lawyer is indicated in the list.

2. It is submitted on behalf of the Appellants that the issue involved in the present appeal is squarely covered by the decision of this Court dated 22nd March 2024 passed in FAO No.863 of 2018, wherein this court by taking note of the provisions contained under Section 16 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 has directed for reduction of the rate of interest up to 5% on the enhanced amount.

¹

Interest on awards.—

If the sum which in the opinion of the Tribunal ought to have been awarded as compensation is in excess of the sum which the Central Government has stated to be a fair amount of compensation, the award of the Tribunal may direct that the Central Government shall pay interest on such excess at the rate of five per centum per annum from the date on which it became payable to the date of payment of such excess.



3. *In the present facts of the case, as per the original award dated 22nd November 2013, the tribunal directs for payment of enhanced compensation amount of Rs.2,78,427.93 paise along with interest @of 9% and 15% per annum, as the case may be. It was further directed that the differential amount should be paid by end of March, 2014, failing which the entire compensation amount, i.e. Principal + interest + escalation + solatium, shall carry further interest @ 15% per annum from the date of notification under Section 4(1) of the Coal Bearing Areas Act, 1957.*
 4. *Considering the principles settled in the earlier decision of this court dated 22nd March, 2024 (referred above) the rate of interest is reduced to 5% from 15% on the differential amount without granting any further interest on the same.*
 5. *Further taking note of the settled principles, the interest is liable to be calculated from the date of publication of Section 9(1) notification.*
 6. *With aforesaid directions the appeal is disposed of.”*
- 2.2. It is submitted by the learned Senior Counsel that in the identical set of fact-situation, this Court on 17th July, 2026 in W.P.(C) No.17451 of 2026 has passed the following order:
- “1. *This matter is taken up through hybrid mode.*
 2. *Heard Mr. H. Mohanty, learned counsel for the petitioner.*
 3. *It is submitted on behalf of the petitioner that he may be permitted to pursue his prayer before the Tribunal with permission to withdraw the writ petition.*
 4. *Accordingly, the writ petition is disposed of as withdrawn permitting the petitioner to pursue his prayer for*



reduction of interest before the Tribunal in T.C. Case No.68 of 2004.

5. *Urgent certified copy of this order be granted on proper application.”*

2.3. It is impressed upon this Court that the opposite parties (19 in numbers herein) stand on the *same* footing as those were before this Court in W.P.(C) No.17451 of 2026 and F.A.O. No.440 of 2023 referred to *supra*. Hence, it is urged by the learned Senior Counsel that the petitioners may be permitted to withdraw this writ petition with liberty to approach the Full Time Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act, 1957 in terms of the orders of this Court dated 19th January, 2026 passed in FAO No.440 of 2023 (Annexure-9) and the order of this Court dated 17th July, 2026 passed in W.P.(C) No.17451 of 2026.

3. Having perused the orders cited and regard to the averments and contents of the writ petition, to cut short the delay, this Court without issuing any notice to the opposite parties, disposes the writ petition reserving liberty to the petitioners to pursue their grievance before the Full Time Tribunal in accordance with law.

4. As an abundant caution, this court has expressed no opinion on the merit of the case.

(M.S. Raman)
Judge

Laxmikant