

Party Name : UNION OF INDIA Vs LAXMI DEBBARMA

THE HONBLE MR JUSTICE U. B. SAHA

Heard Mr. AS Lodh, learned counsel appearing for the petitioner as well as Ms. P. Deb Paul, learned counsel appearing for the respondent.

This revision petition is disposed of by this judgment at this admission stage itself, as agreed by learned counsel appearing for the parties.

According to the claimant, she is entitled to interest on the amount of solatium as per the law laid down in **Sundar vrs. Union of India**, reported in **(2001)7 SCC 211**, whereas the case of the Union of India is that no specific interest has been awarded on the amount of solatium and, therefore, the interest on the solatium shall be payable w.e.f. 19.9.2001 when **Sundar's** case was decided.

A co-ordinate Bench of this Court in **CRP 47 of 2015**, stated as *inter alia*

"This Court has earlier decided this issue and this Court has interpreted the judgment in Gurpreet Singh vrs. Union of India, reported in (2006) 8 SCC 457 in the following terms,

7. The gist of the judgment of the Apex Court is as follows:

(1) Since the Executing Court cannot go behind the decree if the land reference Judge has rightly or wrongly specifically rejected the prayer for grant of interest on solatium then the Executing Court cannot grant such interest.

(2) If the Land Acquisition Judge has specifically granted interest on solatium then it is payable from the date of notification issued under Section 4 of the LA Act, 1894.

(3) The Apex Court further held that there were as large number of cases where there is no specific reference to interest payable on solatium. There may also be cases where claim for interest on solatium had not been made and, therefore, there was no question of accepting or rejecting such a claim. In these cases the Apex Court held that the executing Court was free to follow the judgment or Sunder(supra) and grant interest on solatium but with the caveat that in such cases the interest would be awarded only from 19.09.2001 i.e. the date when Sunder's case was decided.

(4) The Apex Court also made it clear that the executing Court could award interest on solatium only in pending executions and where the execution proceedings had been disposed of, the matter could not be re-opened."

It is contended by Mr. Lodh, that in the present case no specific interest on solatium has been awarded and, therefore, the interest should only be awarded from 19.9.2001. On the other hand, Ms. P. Deb Paul, learned counsel for the claimant submits that in the award of the Land Acquisition Judge reference is made to the enhanced amount of compensation which will include solatium also. The relevant portion of the award of the Land Acquisition Judge reads as follows:-

"Thus, the price of the lands of these cases are assessed to Rs.12,000/- (rupees twelve thousand) per kani in respect of all classes of land. In addition to the aforesaid price the claimant shall be entitled to 30% solatium and 9% interest for a period of one year from the date of taking over the possession and 15% interest from the date of possession till the date of payment."

A perusal of the aforesaid portion of the award of the Land Acquisition Judge makes it amply clear that the Land Acquisition Judge held that the claimant was entitled to market value of the land @Rs.12,000/- per kani and in addition to the aforesaid price, the claimant shall also be entitled to 30% solatium and 9% interest for a period of one year from the date of taking over the possession and 15% interest from the date of possession till the date of payment.

In view of this, the enhanced amount also include both market value as well as the solatium and, therefore, the Land Acquisition Judge has awarded interest on solatium. The executing Court, in fact, directed by the impugned order to the petitioner, Union

of India i.e. the Requiring Department to make payment of Rs.17,529/- along with 15% interest on the principal amount of Rs.16,082/- w.e.f. 30.09.1984 till the date of payment.

According to this Court, the executing Court did not commit any error while passing the order and, accordingly, the petition is rejected.