

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

(1) CR No. 1377 of 2009 (O&M)  
Date of decision: April 1, 2015

Union of India

...Petitioner

Versus

Ram Piari and others

...Respondents

(2) CR No. 1378 of 2009 (O&M)  
Date of decision: April 1, 2015

Union of India and another

...Petitioner

Versus

Ram Piari and others

...Respondents

(3) CR No. 3617 of 2009 (O&M)

Raj Kumar and another

...Petitioners

Versus

Union of India and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sanjay Joshi, Senior Counsel  
for the Union of India/petitioner.

Mr. Sudeep Mittal, Advocate,  
for the claimants.

**K. KANNAN, J. (Oral)**

1. Civil Revision Nos. 1337 and 1378 of 2009 are at the instance  
of the Union and Civil Revision No. 3617 of 2009 is at the instance of the

claimants.

2. The Union is aggrieved by the award in a land acquisition case, which is sought to be executed by the landlord making provision for interest on solatium from the date of the award itself. The contention by the Union was that in terms of the decision of the Supreme Court in Gurpreet Singh Vs. Union of India 2008 (2) RCR (Supreme Court) 207, interest and solatium will be possible but at the same time, it will be restricted only from the judgment in Sunder Singh Versus Union of India AIR 2004 Supreme Court 3516, if the award did not itself grant the interest on solatium. The contention of the landowners is that the award provided for interest on solatium itself from the date of the award and, therefore, Gurpreet Singh's case must be applied to allow for interest on solatium from the date when the award itself was passed. The counsel appearing for the landowners refers me to the operative portion of the judgment, which reads as under:-

“The land owners/claimants shall be entitled to solatium at the rate of 30% at the market value and they shall also be entitled to the additional amount at the rate of 12% per anum as provided under Section 23 (1) (a) of the Act along with the interest at the rate of 9% for the period of one year from the date of dispossession and further at the rate of 15% per annum for the period subsequent thereto, till the total balance payment is deposited for payment to the claimants/petitioners.”

3. The counsel would state that the tenor of the award itself contemplated additional interest of 12% on the compensation amount determined plus 30% solatium and, therefore, there is no scope for restricting the claim of interest on solatium only from the judgment of

Sunder Singh's case.

4. The counsel appearing on behalf of the Union of India states that the award does not spell out specifically that the interest is also on the solatium. It was the general manner of drawing up operative portion of making provision of 30% solatium and the reference to 12% interest under Section 23 (1) (a) of the Land Acquisition Act could not be understood as interest on solatium as well.

5. The counsel for the Union of India also argues that the lower court has only applied Gurpreet Singh and Sunder Singh's cases but it has failed to recognize the dictum in Gurpreet Singh's case that interest will be operative only from the judgment in Surinder Singh's case. The award did not already stipulate so.

6. The operative portion, which we have extracted above, does not at least exclude interest on additional amount of 30%. It is surely possible to make an inference that the court was awarding interest also on solatium. If there is an interpretation that would favour the landowner, I will hold that benefit for the landowner instead of Union. I find no reason to interfere with the order already passed.

7. In Civil Revision No. 3617 of 2009, the point which is not similar to the other cases is that the claim made by the land owner is that the interest must be given also for the period from 10.12.2008 to 18.4.2009, when the amount was deposited. There is no real reason why interest can be excluded for the said period. I will allow for the said interest also. The impugned order in Civil Revision No. 3617 of 2009 is modified and the revision petition is allowed to the above extent.

8. The civil revisions preferred by the Union are dismissed and

the civil revision preferred by the claimants is allowed to the above extent.

**April 1, 2015**  
prem

**(K.KANNAN)**  
**JUDGE**