

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

Civil Revision No.2082 of 2010 (O&M)

Date of decision: 11.03.2015

Haryana Urban Development Authority through the Estate Officer,
HUDA, Sonapat.

... Petitioner

versus

Prabhat Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Dharam Vir Sharma, Senior Advocate,
with Ms. Akshita Chauhan, Advocate,
for the petitioner.

None for the respondents.

K.Kannan, J. (Oral)

1. There is no cause for an intervention for an order passed where the court has determined the amount payable that included accumulation of interest that was not fully paid yet. The learned senior counsel would have objection to the same and points out to me the memo of calculation which was given.

2. I find that the award by the Collector was passed on 12.05.1993 at a rate of ₹2 lakh per acre. On a reference to the Additional District Judge, the amount was raised to ₹150 per square yard through the decision rendered by it on 12.01.2001. The possession was admittedly taken on 12.05.1993. In the manner of calculation, the petitioner has referred to the principal amount

payable as ₹4,77,033/- and has given himself the credit of ₹4,32,034/- paid on 29.04.2003, that is, after the passing of the decree by the civil court as going wholly towards the principal. The balance of amount of what remained as a principal was said to have been paid on 28.01.2004 and, therefore, the contention that there is no balance payable.

3. The argument is wholly untenable and the calculation memo is equally so. When an award was passed in 2001 and the principal amount was ₹4,77,033, the statutory interest has to be loaded from the date of the award and the date of taking possession in the manner that they are relevant under Sections 28 and 34 of the Land Acquisition Act. Any amount, which is paid subsequently when there is an accumulation of interest, will go towards the aggregate of principal and interest and not merely on the principal. The calculation made by the decree holder which was accepted is on a reference to the fact that the payments made by the petitioner could not been taken to be appropriated toward the principal but should be towards interest first and then against principal. I find no error in the order passed already by the court below. I decline to make an interference. The revision petition is dismissed.

(K.KANNAN)
JUDGE

11.03.2015
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