

**Sr. No.225
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.1453 of 2014
Date of Decision.19.10.2015**

Union of IndiaPetitioner

Versus

Jaspreet Singh and another

.....Respondents
CR No. 1554 of 2014

Union of India ...Petitioner

Versus

Hardial Singh alias Gurdial Singh ...Respondent

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. Ram Chander, Advocate,
for the petitioner.

None for the respondents.

K. KANNAN J. (ORAL)

Both the revision petitions are connected and they are disposed of by a common order.

The revisions are against the order passed in execution on a plea that the memo of calculation that has been allowed by the Court below is in conflict to the judgment of the Supreme Court in **Gurpreet Singh Vs. Union of India reported in 2006 (8) SCC 457.**

The calculation given by the Executing Court is as under:

Calculations as per award in R.F.A.

6.93125 acres Belt Compensation @ Rs. 2,75,983/- Amount payable as per Memo of costs.		Rs. 2,65,100/-
30% solatium		<u>Rs. 79,530/-</u>
	Total	<u>3,44,630/-</u>
9% interest w.e.f. 2.7.1981 to 1.07.1982= one year		Rs. 31,016/-
15% interest w.e.f. 02.07.1982 to 31.12.2011=29 years 5 months 29 days i.e. 442.4417% on amount of Rs. 3,44,630/-		Rs.15,24,787/-
6% balance interest w.e.f. 2.7.1982 to 15.01.1988=5years 06 months 13 days i.e. 33.2134% on amount of Rs. 96,605/-		Rs. 32,085/-
		Rs. 4990/-
Memo of costs:		
	Total	Rs. 19,37,458/-

Learned counsel appearing on behalf of the petitioner points out that the interest at 9% granted for one year includes the principal with 30% solatium and 15% interest after the period of one year has been granted again with reference to the principal as well as solatium. Learned counsel would argue that as per **Gurpreet Singh's case (supra)** interest can not claimed ever for any period prior to the judgment in **Sunder Vs. Union of India in 2001 supplement (3) SCR 176**.

The decision in **Gurpreet Singh's case (supra)** considers various types of situations where the decree either provided for interest on solatium or not. In the said case the Supreme Court held that if the claim for interest on solatium had been made and the same has been negatived either expressly or by

necessary implication, the Executing Court will necessarily reject the claim of interest on solatium based in **Gurpreet Singh's case (supra)** on the ground that the Executing Court would not go behind the decree. But if the decree of the reference Court or the appellate Court did not specifically refer to the question of interest on solatium or in case where a claim had not been made and rejected either expressly or impliedly by the reference Court or the Appellate Court and the Court had awarded interest and compensation, it would be open to the Executing Court to apply the ratio of **Sunder's case (supra)** that the compensation included solatium and in such an event, interest on solatium would also be directed to be deposited in execution. I have gone through the order of the LPA Bench which has disposed of the appeal on 30.01.1989 and the Court was not making any specific reference about interest as excluding the interest on solatium. The point that was pressed for arguments and considered was whether the landowners would be entitled to claim the benefit of additional compensation under Section 23 (1-A) of the amended Act. The LPA Bench was actually providing for the said relief as well. Counsel would argue that this portion of the additional compensation under Section 23 (1-A) was set aside in the Supreme Court on 20.10.1994. As far as the memo of calculation is concerned, I notice that possession was taken on 02.07.1981 from when the liability to pay interest arose for a period of one year at 9% and at 15% after the completion of one year till the amount was paid. In the calculation sheet of the award under land reference, it would be seen that apart from the amount of Rs.1,50,946/- paid on

16.01.1988, after the award was passed by the reference Court, there had been no other amount paid. I have already observed that there is no denial of interest on solatium expressly taken and considered and consequently, there is no scope for calculation of interest only from the decision of **Sunder's case (supra)**. It was not even a case where the execution had been closed and the party had taken the benefit of the amount as found in the decree and was attempting to reopen the matter after the judgment in **Sunder's case (supra)**. There is no scope for interference, amount calculated is in accordance with law and the revision petitions are dismissed.

19.10.2015

vandana

**(K. KANNAN)
JUDGE**