

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

Civil Revision No.4873 of 2012 (O&M)

Date of decision: 09.07.2015

Dharambeer @ Dharamveer Singh Petitioner

versus

State of Haryana and another Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Madan Pal, Advocate,
for the petitioner.

Mr. Gaurav Goel, Assistant Advocate General, Haryana.

K.Kannan, J. (Oral)

CM Nos.13152-53-CII of 2015

Exemption granted. Annexures P5 and P6 are taken on record.

Applications stand disposed of.

Civil Revision No.4873 of 2012

1. Revision is against the order passed by the Collector in an application filed under Section 28-A of the Land Acquisition Act. The petitioner was a person who had not applied for enhancement of compensation under Section 18 of the Land Acquisition Act. The petitioner relied on compensation secured by some of the landowners who lost their lands with the same acquisition notification and sought for the benefit of enhanced compensation as determined by the court of reference. The Collector allowed the

application for enhanced compensation as determined by the Reference Court but while allowing for interest, restricted the interest only for 9% from the date of taking possession till the releasing of payment. The challenge to this order which was passed on 18.05.2011 was on the ground that the award had been passed on 21.12.2004 when the property was also taking possession and since the amount as enhanced had not been paid or deposited within 1 year for the period beyond a period of 1 year, interest was claimable at 15% in terms of Section 34 of the Land Acquisition Act.

2. When the revision was pending, it would appear that the compensation as determined by the Reference Court and still later by the High Court was a subject of further enhancement by the decision of the Supreme Court in Civil Appeal Nos.3926-3940 of 2015-Balbir Singh @ Balbir and others Versus State of Haryana and others (Annexure P6). The counsel would refer to a decision of the Supreme Court in **Union of India Versus Munshi Ram (dead) by LRs and others-AIR 2006 (SC) 1716** to canvass for the position that the amount that is payable under Section 28-A that makes a reference to the award of the Reference Court must be understood as the amount as finally determined by the higher forums. The contention is that in terms of the said judgment, the petitioner shall have the benefit of not merely a higher rate of interest after 1 year from the date of taking possession at 15% and should also have the

benefit of further enhancement that is made by the order of the Supreme Court under Annexure P6.

3. I find the plea to be perfectly in accordance with law and I would accede to the petitioner's contention to allow for the higher amount of compensation to be given to the petitioner in terms of the judgment of the Supreme Court in **Balbir Singh** (supra) and also the benefit of interest for the enhanced amount beyond a period of one year from the date of taking possession at 15% in terms of Section 34. The order already passed by the Collector shall stand modified and the revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

09.07.2015
sanjeev