

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

(226)

**CR No.6014 of 2014 (O&M)
Decided on: May 19, 2015.**

Haryana State Warehousing Corporation, Panchkula

.... Petitioner

Versus

Rama Kant Bansal

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ashwani Talwar, Advocate,
for the petitioner.

Mr. Rajesh Sethi, Advocate,
for the respondent.

M.M.S. BEDI, J (ORAL)

The short question which is required to be determined in the present case is whether pursuant to the order passed in RFA No.1519 of 1993 decided on 14.05.2013 determining the market value for the land acquired with statutory benefits would entail payment of interest for the period of 20.05.1990 from the date of award till the date of filing of the execution.

Learned counsel for the petitioner has vehemently contended that the amount of interest @ 9 percent for first year i.e. from 20.05.1990 to 19.05.1991 amounting to Rs.54353.15/- and interest @ 15 percent for remaining period w.e.f. 20.05.1991 to 05.10.2013 amounting to Rs.2068020.47/- will not be payable.

I have heard learned counsel for the petitioner as well as learned counsel for the respondent.

In context to provisions of Section 23 (1) (a) of the Land Acquisition Act, 1894 a reference can be made to the judgment in **Gurpreet Singh Vs. Union of India 2006 (8) SCC 457** wherein it has been observed that the Executing Court cannot reject the claim of statutory interest or solatium and other benefits merely on the ground that the award of Reference Court or the judgment of Appellate Court does not specifically refer to the question of interest on solatium or in cases where claim had not been made and rejected either expressly or impliedly by Reference Court or the Appellate Court and merely interest on compensation is awarded, then it would be open to the Executing Court to apply the ratio of **Sunder Vs. Union of India 2001 (7) SCC 211** and say that the compensation awarded includes solatium.

In view of said circumstances, there is no ground for interference in the order.

This petition is dismissed.

(M.M.S. BEDI)
JUDGE

May 19, 2015
harsha