

Civil Revision No.6722 of 2017 (O&M)
and other connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6722 of 2017 (O&M)
and other connected cases
Date of Order: 19.12.2017

Punjab State Power Corporation Limited and another

..Petitioners

Versus

Gurtej Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Pal Singh Thethi, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

I shall dispose of Civil Revision Nos.6722, 6723, 6724, 6725,
6726, 6727, 6728 and 6738 of 2017.

Challenge is to the order passed by the learned Executing
Court, which reads as under:-

*“The question that has been raised by the learned
counsel for the JD is that the interest on solatium in the
present execution was liable to be paid on the basis of
law laid down in case titled as **Gurpreet Singh vs. UOI
2008 (2) RCR (Civil) page 260.** Per contra the
contention of the learned counsel for the decree holder is
that in RFA No.2292 of 2002 decided on 4.12.2008
pertaining to the present acquisition the Hon'ble High
Court has held the land owners were entitled to all the*

statutory benefits available under the Act. Apparently the matter with regard to the payment of interest on solatium has already been dealt with by the Hon'ble High Court in the aforesaid RFA and there is no calculation filed by the JD showing that the calculations submitted by the decree holder are not correct. In such view of the matter the calculations submitted by the decree holder through his counsel which are based upon the aforesaid judgment of the Hon'ble High Court are liable to be accepted as the same has remained unrebutted on the record. Accordingly, the amount payable to the decree holder is quantified at Rs.86,201/-."

Learned counsel for the petitioners does not dispute that interest on solatium is payable to the land owners. However, he submits that learned Executing court has committed an error in recording a fact that no calculation has been submitted by the JD. He submit that in fact the calculation sheet prepared by the JD is part of the record of the Executing Court.

Since there is no dispute that interest on solatium is payable, therefore, this Court does not find any error in the order passed. However, since learned counsel for the petitioners has pointed out that the learned Executing Court has wrongly recorded that no calculation sheet has been submitted by the JD, this Court is of the view that the petitioners should first move an application before the Executing Court drawing attention of the Court to the calculation sheet, which is already stated to be part of the

record and request the Executing Court to take a decision thereon.

The revision petitions are disposed of accordingly.

December 19, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No