

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 3124 of 2013 (O & M)

Date of decision: 12.01.2017

Union of India

....Appellant(s)

Versus

Harish Sharma and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Vipul Aggarwal, Advocate,
for Mr. Deepak Malhotra, Advocate,
for the appellant.

None for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The present judgment shall dispose of 8 appeals i.e. FAO Nos. 3124 to 3131 of 2013, since common questions of facts and law are involved in all the appeals. For reference, ***FAO No. 3124 of 2013, Union of India vs. Harish Sharma and others*** is being taken up.

The present appeals have been filed against the award dated 28.01.2010 rendered by the District Judge, Ludhiana exercising the powers as an Arbitrator under the Requisitioning and Acquisition of Immovable Property Act, 1952 wherein, the land owners were held entitled to recover compensation @ ₹390/- per square yard of their acquired land. If the award was not satisfied within 6 months, the land owners were also entitled to recover interest @ 7.5% per annum. The Arbitrator granted the said amount on account of Ex.P-21 which is a decision rendered by this Court in October, 2012.

The dispute pertains to the acquired land in village Dholewal. It is to be noticed that the requisitioning of the land had been done of 5 villages. Initially, the Arbitrator had imposed a 1/3rd cut on the compensation assessed. The matter had been brought to this Court in ***FAO No. 269 of 1995, Dr. Jagdish Parkash vs. The Competent Authority***, which was the lead case in the bunch of 390 cases decided on 05.07.2006. In principle, this Court had set aside the direction of 1/3rd cut which had been granted pertaining to all the 5 villages. In village Dholewal, where the land is situated regarding the present land owners wherein compensation @ ₹390/- had been awarded per square yard and 1/3rd cut had been imposed, compensation had been assessed at ₹260/- per square yard. Similarly, for village Daba, compensation had been assessed @ ₹210/- per square yard but on account of 1/3rd cut, compensation of ₹140/- per square yard was being paid. The 1/3rd cut was, thus, set aside and the amount was assessed @ ₹390/- per square yard for village Dholewal and similarly for other villages.

The matter was then taken to the Apex Court in ***Civil Appeal No. 1052 of 2014, Union of India vs. Vidya Rani and another*** decided on 29.01.2014. The present matters stand squarely covered by the said judgment. The said civil appeal was preferred by the land owners against the judgment in '*Dr. Jagdish Parkash's case (supra)*'. The Apex Court further clarified that the land owners would be entitled to the 15% solatium and interest @ 6% from the date of award passed by the arbitrator. It was clarified that the amount payable would depend on the land situated in different villages and at the rate fixed by the arbitrator. It was further noticed that though this Court had observed about the rate of solatium, but the same had not been reflected in the operative part of the order. The

relevant part of the said order reads as under:-

“14. Having heard the parties to the lis, we are of the considered opinion that the orders passed by the learned Single Judge does not require any interference by this Court, except that portion of the order where the Court has refused to award solatium and interest.

15. In the result, the appeals are disposed of. We modify the judgment and order passed by the High Court and award 15% solatium and interest at the rate of 6% on the compensation from the date of award passed by the arbitrator. The acquiring authority is directed to pay the aforesaid amount within three months' from the date of receipt of this Court's order.

16. We clarify that the amount payable would depend on the land/(s) situated in different villages and at the rates fixed by the arbitrator. We further clarify that we have not disturbed the other portion of the order passed by the High Court.

17. The Civil Appeals as well as the applications filed are disposed of accordingly.

Ordered accordingly.”

Keeping in view the above that the decision of this Court in *Dr. Jagdish Parkash's (supra)* has been upheld by the Apex Court in *Vidya Rani's and another case (supra)* and the Union of India has also been directed to pay 15% solatium and interest @ 6% on the compensation from the date of award passed by the Arbitrator, the present appeals filed by the Union of India for reduction of the amount awarded by the Arbitrator are not justifiable.

Accordingly, the present appeals are dismissed.

Since the main appeals have been dismissed, all miscellaneous

applications also stand disposed of.

12.01.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No