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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 54/2016

UNION OF INDIA

..... Appellant

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Adv.

versus

SH. SOBHA RAM (DECEASED) THROUGH LR..... Respondent

Through: Ms.Smita Mann, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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18.05.2017

The only point canvassed during the course of hearing by the learned counsel for the appellant is that trial court has erred in granting interest for the period when reference proceedings remained stayed, that is, from 1st March, 2004 till 17th September, 2008.

Learned counsel for the respondents submits that proceedings were adjourned *sine die* during the said period, on the statement made by the appellant that title was in dispute and a reference under Section 30-31 of the Land Acquisition Act, 1894 (the Act, for short), had been made to the Reference Court. It is further submitted that respondents cannot be blamed for the period during which proceedings remained adjourned *sine die*, pending adjudication of the title of the parties under Section 30-31 of the

Act. It is further submitted that in the Rati Ram vs. Union of India and Another 2016 (2) SLT 316, Supreme Court has directed for payment of interest in terms of Section 28 of the Act even for the period when proceedings remained stayed at the instance of appellant.

Supreme Court in para 4 of the judgment held as under:-

There is no exclusion of any period contemplated on whatever account under Section 28 of the Act. The only reference is to the date of dispossession. Liability to pay interest starts to run from that date. Therefore, these appeals are allowed. It is directed that the appellants shall be entitled to interest for the compensation, as per Section 28 read with Section 23(1A), in respect of the land acquired from the appellants, on value at the rate of Rs.76,550/- per Bigha for the period of stay also, i.e., from 24.04.1997 to 27.09.2001.

This case is totally covered by the above-referred judgment. In my view, trial court has rightly awarded the interest to the respondents. I do not find any merit in this appeal and the same is dismissed.

A.K. PATHAK, J.

MAY 18, 2017

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