

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

**CR No.7213 of 2016 (O&M)
Date of decision : May 29, 2018**

PSEB now Punjab State Power Corporation Ltd. Petitioner

Versus

Gurdev Singh (deceased) through LR and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Roshan Lal Sharma, Advocate for the petitioner.

Mr. Amit Aggarwal, Advocate for the respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner has impugned the order dated 14.10.2015 (Annexure P-3) as well as the order dated 21.07.2016 (Annexure P-7) passed by the learned Addl. District Judge, Bathinda, whereby the petitioner-J.D. was directed to deposit the amount of ₹4,39,056/- reflecting interest towards solatium on the acquired land.

I have heard learned counsel for the parties and have also carefully gone through the case file.

It comes out that on account of acquisition of the land of private respondents, while enhancing the compensation, vide order dated 18.01.2002 the learned Addl. District Judge, Bathinda, passed the following order:

“67. In addition they shall also be entitled to received and recover solatium at the rate of 30% and also entitled to 12% other sums from the date

of notifications u/s 4 of the Act i.e. 16.7.92 to the date of possession i.e. 7.4.1993, under section 23-1(A) of the Land Acquisition Act and interest at the rate of 9% for a period of first year from the date of possession and at the rate of 15% for the subsequent period, on the awarded amount. ---”

In connected appeals before this Court bearing RFA No.1990 of 2002 titled as **“Bhagwan Kaur and others vs The Punjab State and another”** decided on 04.12.2008, the compensation of the land was enhanced along with statutory benefits. Now, in the execution proceedings, the question is “as to whether the interest is payable on the solatium or not?”

Learned counsel for the petitioner has relied upon the authority of Hon'ble the Supreme Court of India, delivered in case of **“State of Punjab vs Amarjit Singh and another”, 2012(4) R.C.R. (Civil) 358.**

A perusal of the said authority shows that it was held in the said authority that the additional amount under Section 23(1A) of the Land Acquisition Act, 1894 is payable on the compensation and not on the solatium. It was nowhere held that interest on the solatium is not payable. The rights of the parties are governed by the Award passed by the learned Addl. District Judge, Bathinda. The extract from the Award reproduced above shows that interest at the rate of 9% for the period of first year from the date of possession and at the rate of 15% for the subsequent period, on the awarded amount was allowed. The awarded amount is deemed to include the various components of the compensation i.e. statutory benefits. Therefore, as per Award, the interest is also payable on the solatium, which was part of the awarded amount.

As such, the present revision petition is found to be without any force and the same is, accordingly, dismissed.

Since the main revision petition has been dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

May 29, 2018
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No