

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.8097 of 2017(O&M)

Date of Decision: 20.04.2018

Punjab State Electricity Board, Patiala & another

....Petitioner (s)

Versus

Prem Chand

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sehaj Bir Singh, Advocate
for the petitioner(s).

HARI PAL VERMA, J. (Oral)

Petitioner - Punjab State Electricity Board, Patiala has filed the present revision petition under Article 227 of the Constitution of India for setting aside the order dated 09.09.2017 (Annexure P-1) passed by learned Additional District and Sessions Judge, Kapurthala (on 9.9.2017, the learned Presiding Officer was acting as a member of the Lok Adalat), whereby, in the execution application filed by the respondent-decree holders, learned executing Court had directed the petitioner-judgment debtor to make the payment of the decretal amount along with interest @ 9% for the first year i.e. 21.02.1978 to 20.02.1979 and thereafter @ 15% from 20.02.1979 to 19.08.2015 and solatium @ 30%.

Briefly stated, vide award dated 21.02.1978, the Land

Acquisition Collector, PSEB, Patiala, while exercising the powers of

Collector, had granted compensation to the respondent-land owner at flat rate of Rs.140/- per marla for the land under acquisition along with solatium @ 15%.

Dissatisfied with the amount of compensation, the respondent-land owner sought reference under Section 18 of the Land Acquisition Act, 1894 (for short, "the Act") for determination of compensation at market rate. However, the Reference Court vide judgment dated 27.02.1982, did not make any enhancement in the awarded rate of compensation.

Aggrieved from the judgment passed by the reference Court dated 27.02.1982, the respondent-decree holder filed RFA-647-1982, wherein this Court vide order dated 14.01.2004, while allowing the appeal, modified the award dated 21.02.1978, passed by the Land Acquisition Collector, PSEB, Patiala and the claimant-land owner was held entitled for compensation @ Rs.666/- per marla along with statutory benefits of interest @ 6% and solatium @ 15 % as well.

Still not satisfied with the aforesaid amount of compensation, the respondent-claimants filed Civil Appeal No.805 of 2007 before the Apex Court, whereby vide order dated 13.05.2015, the awarded rate of compensation was enhanced from Rs.666/- per marla to Rs.700/- per marla.

It is, thereafter, the respondent-decree holders have filed execution application, wherein the impugned order dated 09.09.2017 (Annexure P-1) has been passed, which is under challenge in this revision petition.

Learned counsel for the petitioners has argued that in view of order dated 14.01.2004 passed by this Court in RFA-647-1982, this Court

has granted compensation @ Rs.666/- per marla along with statutory benefit of interest @ 6% and solatium @ 15 %. He submits that so far as statutory rate of interest is concerned, the Apex Court has not made any alteration in the same. The Apex Court has made limited alteration to the extent that instead of Rs.666/-, compensation @ Rs.700/- per marla shall be granted to the respondent-land owners. As such, for all intents and purposes, the order dated 14.01.2004 passed by this Court in RFA No.647 of 1982 has attained finality. Therefore, the executing Court was required to execute the award in the light of order dated 14.01.2004 passed by this Court in RFA-647-1982.

Mr. Jatinder Nagpal, Advocate and Ms. Bhavna Kapur, Advocate have put in appearance on behalf of respondents No.1(c) and respondent no.1(a)(b) respectively and filed the power of attorneys in Court which are taken on record. They have not disputed the order dated 14.01.2004 passed by this Court in RFA-647-1982.

Heard respective counsel for the parties.

Admittedly, the order dated 14.01.2004 was passed by this Court in RFA-647-1982 after the amendment of the Act, whereby this Court has awarded compensation along with statutory benefits of interest @ 6% and solatium @ 15 %. Therefore, the executing Court cannot go beyond the order dated 14.01.2004 passed by this Court as well as order dated 13.05.2015 passed by Hon'ble the Apex Court, whereby awarded rate of compensation has been enhanced from Rs.666/- per marla to Rs.700/- per marla. Accordingly, the order dated 09.09.2017 (Annexure P-

1) is set aside and the case is remanded back to the executing Court for a fresh decision in accordance with law.

The respondent-decree holders shall furnish fresh calculations as per the order dated 13.05.2015 passed by Hon'ble the Apex Court, whereby awarded rate of compensation has been enhanced from Rs.666/- per marla to Rs.700/- per marla and order dated 14.01.2004 passed by this Court in RFA-647-1982, whereby statutory benefits of interest has been granted @ 6% and solatium @ 15%.

It has been brought to the notice of this Court that the petitioner-judgment debtor has already deposited the decretal amount.

If that is so, the same be released to the respondent-claimants strictly in accordance with law as per order dated 13.05.2015 passed by Hon'ble the Apex Court and order dated 14.01.2004 passed by this Court in RFA-647-1982.

The revision petition is disposed of accordingly.

April 20, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No