IN THE HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

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CIVIL REVISION PETITION NOs.1120 AND 1122 OF 2018

The Special Deputy Collector Railways, (L.A.O.) Nalgonda, Present: Successor in Office, Revenue Divsional Officer, Nalgonda … Petitioner

Vs.

Sanjay Kumar Pandey, S/o Kranti Kumar Pandey, Age 65 years, Occ: Business, R/o. H.No.3-6-415/2, Himayathnagar, Hyderabad. … Respondents

Date of Judgment Pronounced: 22nd November, 2019

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

1. Whether Reporters of Local newspapers may be allowed to see the judgment? Yes/No

2. Whether copies of the judgment may be marked to Law Reporters/Journals Yes/No

3. Whether His Lordship wishes to see the fair copy of the judgment? Yes/No

M.S.RAMACHANDRA RAO, J

***HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

+<u>CIVIL REVISION PETITION NOS.1120 AND 1122 OF 2018</u>

% DATED 22nd NOVEMBER, 2019

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Vs.

$ Sanjay Kumar Pandey, S/o Kranti Kumar Pandey, Age 65 years, Occ: Business, R/o. H.No.3-6-415/2, Himayathnagar, Hyderabad. … Respondents

<Gist:

>Head Note:

! Counsel for petitioner in both CRPs : Government Pleader for Arbitration

^Counsel for respondent in both CRPs : Sri Rahul Reddy

Amicus Curiae : Sri Y.Chandrasekhar

? CASES REFERRED:

1. 2001 (5) ALD 136(SC)
2. (2006) 8 SCC 457
3. 2001(5) ALD 136 (SC)
4. (1989) 2 SCC 754

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1120 and 1122 of 2018

COMMON ORDER:

1. These two Revisions arise between the same parties out of the same O.P.No.34 of 1983, a reference under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') disposed of by this common order.

2. The respondent was the owner of Ac.26.39 gts of agricultural land at Gollaguda village, Nalgonda Town.

3. For laying new broad gauge line from Bibinagar to Nadikudi, this land was acquired by issuing on 10-01-1979, a notification under Section 4(1) of the said Act, but possession was taken on 03-08-1977.

4. An award was passed on 20-03-1982 by the Land Acquisition Officer fixing market value of Rs.4,000/- per acre.

5. Not satisfied with the said amount, the respondent sought a reference under Section 18 of the Act to the Civil Court. Reference was accordingly made and it was numbered as O.P.No.34 of 1983 by the Subordinate Judge, Nalgonda.

6. The respondent filed a claim petition claiming Rs.75/- per sq. yard as compensation on the ground that the lands were situated within the Municipal area of Nalgonda town and they have high potential value as house sites.

7. By order dt.14-12-1988, the Subordinate Judge, Nalgonda awarded compensation at Rs.5/- per sq. yard for the acquired land together with solatium at 30% on the compensation, additional amount @ 12% p.a. on the market value from the publication of notification under Section 4(1) i.e. 11-01-1979 to the date of award or date of taking possession whichever is earlier. He also held that the claimant is entitled to interest @ 9% p.a. from the date of taking possession i.e. 22-07-1979 to 21-07-1980 on the compensation amount along with solatium; and interest @ 15% p.a. on the compensation amount along with solatium after one year from the date of taking possession i.e. from 22-07-1980 till the amount is deposited to the Court.

8. The respondent filed A.S.No.1561 of 1989 before this Court challenging the judgment and decree dt.14-12-1988 in O.P.No.34 of 1983 of the Subordinate Judge, Nalgonda.

9. The State filed A.S.No.2074 of 1991 against the said judgment and decree.

10. By a common judgment dt.16-08-1999, this Court in A.S.No.1561 of 1989, enhanced the compensation for the land from Rs.5/- per sq. yard to Rs.10/- per sq. yard and also awarded Rs.1,67,200/- for banana plants, structures like office room and cattle shed etc. which were not granted by the reference Court. It also held that the respondent would be entitled to all statutory benefits under the Land Acquisition (Amendment) Act, 1984. It dismissed A.S.No.2074 of 1991 filed by the State.

11. E.P.No.37 of 2000 was filed by the respondent for execution of the judgment of the Division Bench in A.S.No.1561 of 1989. The State opposed the same stating that the amount claimed by the respondent is excessive. An order dt.25-07-2006 was passed by the Senior Civil Judge, Nalgonda in E.P.No.37 of 2000 holding that amount of additional market value under Section 23(1A) of the Act cannot be treated as part of compensation and that it is similar to interest and no interest on additional market value can be awarded.

12. During this time, amounts were being deposited by the State to the credit of the EP from time to time.

13. Respondent questioned it in C.R.P.No.4652 of 2006 before this Court.

14. The said C.R.P. was allowed on 14-11-2006 and this Court set aside the order in E.P.No.37 of 2000 passed by the Executing Court. It held that in view of the decision of the Supreme Court in **Sunder Vs. Union of India**[1], the term 'compensation' takes in its fold, the market value, solatium and additional market value payable under Section 23(1A) of the Act and interest must be paid on such a compendious sum. It held that the Executing Court rightly repelled the contention of the respondent that amounts deposited from time to time by the State should be appropriated first to interest and thereafter against the compensation. It directed the Executing Court to compute afresh and decide the matter.

[1] 2001 (5) ALD 136(SC)

15. The petitioner questioned this order in Civil Appeal No.1763 of 2008 in the Supreme Court of India. In the Supreme Court, the respondent raised a plea regarding manner of adjustment of amounts deposited by the State from time to time, first towards interest and thereafter against compensation.

16. The Supreme Court allowed the appeal on 26-04-2011 referring to the decision in **Gurpreeth Singh Vs. Union of India**[2], set aside the observations of the High Court and held that the Executing Court while considering the question of adjustment of amounts deposited by the State shall follow the ratio of **Prem Nath Kapur V. National Fertilisers Corporation of India Ltd**[3] as explained in **Gurpreeth Singh** (2 supra) and proceed accordingly.

17. Thereafter the matter was taken up by the Executing Court. Several calculation memos were filed by both parties from time to time in the Executing Court.

18. By order dt.29-08-2017, the Executing Court determined that the respondent is entitled to Rs.3,75,569/- towards compensation and Rs.19,74,133/- towards interest as on that date.

19. This order dt.29-08-2017 in E.P.No.37 of 2000 in O.P.No.34 of 1983 is questioned by the State in C.R.P.No.1120 of 2018.

20. Subsequently, on 28-11-2017, the Senior Civil Judge, Nalgonda in E.P.No.37 of 2000 in O.P.No.34 of 1983 attached the office building of

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[2] (2006) 8 SCC 457
[3] 2001(5) ALD 136 (SC)

the Revenue Divisional Officer, Nalgonda valued at Rs.1.00 crore on the ground that the State did not satisfy the decree of Rs.23,49,704/- in favour of the respondent.

21. This is questioned by the petitioner in C.R.P.No.1122 of 2018.

22. On 23-02-2018 in C.R.P.No.1120 of 2018, this Court granted stay of proceedings pursuant to the order dt.29-08-2017 in E.P.No.37 of 2000 on condition that the State deposits Rs.5,00,000/- within four weeks before the Executing Court.

23. Heard the Learned Government Pleader for Arbitration for the State/Petitioner in the CRPs and Sri Rahul Reddy, Counsel for the respondent.

24. The learned Government Pleader contended that the Court below decided the E.P. contrary to oral and documentary evidence and it did not consider the order of the Supreme Court dt.26-04-2011 in Civil Appeal No.1762-1764 of 2008 between the parties. He also contended that the Court below ought not to have held that Rs.3,75,569/- is due towards principal along with interest thereon amounting to Rs.19,74,133/-. According to him, more than Rs.60.00 lakhs had already been deposited in respect of acquisition of the subject land; that initially E.P. was filed to recover only Rs.94,62,837/- as on 12-07-2000 but later it was revised by the respondent to Rs.1,83,33,577/- which is incorrect. He also contended that the Court below could not give any order of attachment for Rs.23,49,704/- when the actual amount due and payable

by the State is only Rs.12,91,657/- if market value along with solatium and interest are to be calculated.

25. Sri S.Rahul Reddy, learned counsel for respondent contended that the contentions of the learned Government Pleader have no merit. According to him, as per calculation memo filed by him, the respondent is entitled to Rs.41,22,799/- as on 17-07-2011 and the calculation made by the Court below is incorrect.

26. Both parties again filed calculation memos in this Court.

27. To assist the Court, Sri Y.Chandasekhar, Counsel was appointed as Amicus Curiae.

28. The question of adjustment of amount deposited by the State from time to time is an issue which frequently arises in the trial Courts which deal with execution of the orders passed in reference under Section 18 of the Act or judgments in appeals decided against the order passed in such reference by the Civil Court or judgments passed by the Apex Court.

29. It is desirable to examine the issue in some detail.

30. It is the duty of L.A.O., to comply with the Awards as modified by higher forums. What is the procedure that is to be adopted, for appropriation of payments, has been stated by Supreme Court, in **Premnath Kapur** case (3 Supra) which was approved in **Gurpreet Singh's** case (2 Supra). Bearing in mind, the procedure of appropriation, as directed in the judgments payments have to be appropriated stage-wise.

31. For better appreciation, the stage-wise awards under the Land Acquisition Act have been mentioned below.

STAGE -I

AWARD OF L.A.O., u/s. 11 of L.A. Act

Illustration: (A)

Item	Description	Rs.Ps
a)	Market Value of the Land per Ac.1-00	1,00,000.00
b)	Solatium @ 30%	30,000.00
c)	Additional Market Value @ 12%	12,000.00
	Total	1,42,000.00

Normally, the L.A.O., would pay the entire amount Award u/s.11 of the L.A. Act. In exceptional cases, there may be shortfall.

STAGE -II

AWARD OF REFERENCE COURT u/s.18 of L.A. Act.

If upon reference, the Civil Court has enhanced the Market Value from Rs.1,00,000/- to Rs.2,00,000/-, proportionately the solatium and additional market value get enhanced as indicated in the illustration given below:

Illustration: (B)

Item	Description	Rs.Ps
a)	Market Value of the Land per Ac.1-00	2,00,000.00
b)	Solatium @ 30%	60,000.00
c)	Additional Market Value @ 12%	24,000.00
	Total	2,84,000.00

This will be the Award of Reference Court and claimant would be entitled to claim interest on enhanced Market Value (i.e., Rs.2,00,000/- (-) Rs.1,00,000/-) and also on solatium (Rs.60,000/- (-) Rs.30,000/-), and also additional market value (Rs.24,000/- (-) Rs.12,000/-) which comes to Rs.1,42,000/- @ 9% for the 1st one year from the date of taking possession and @15% thereafter till the same is paid or deposited into court.

STAGE -III
AWARD OF HIGH COURT u/s.54 of L.A. Act.

If upon further Appeal to High Court by the claimant and if the High Court has enhanced the Market Value from Rs.2,00,000/- to Rs.4,00,000/-, proportionately the solatium and additional market value get enhanced as indicated in the illustration given below:

Illustration: (C)

Item	Description	Rs.Ps
a)	Market Value of the Land per Ac.1-00	4,00,000.00
b)	Solatium @ 30%	1,20,000.00
c)	Additional Market Value @ 12%	48,000.00
	Total	5,68,000.00

This will be the Award of High Court and claimant would be entitled to claim interest on enhanced Market Value (i.e., Rs.4,00,000/- (-) Rs.2,00,000/-) and also on solatium(Rs.1,20,000/- (-) Rs.60,000/-), and also additional market value (Rs.48,000/- (-) Rs.24,000/-) which comes to Rs.2,84,000/- @ 9% for the 1st one year from the date of taking possession and @15% thereafter till the same is paid or deposited into court.

STAGE -IV
AWARD AS MODIFIED BY SUPREME COURT IN SLP

If upon further Appeal to Supreme Court by the claimant by way of SLP and if the Supreme Court has enhanced the Market Value from Rs.4,00,000/- to Rs.8,00,000/-, proportionately the solatium and additional market value get enhanced as indicated in the illustration given below:

Illustration: (D)

Item	Description	Rs.Ps
a)	Market Value of the Land per Ac.1-00	8,00,000.00
b)	Solatium @ 30%	2,40,000.00
c)	Additional Market Value @ 12%	96,000.00
	Total	11,36,000.00

This will be the Award of Supreme Court and claimant would be entitled to claim interest on enhanced Market Value (i.e., Rs.8,00,000/- (-) Rs.4,00,000/-) and also (Rs.2,40,000/- (-) Rs.1,20,000/-), and also additional market value (Rs.96,000/- (-) Rs.48,000/-) which comes to Rs.5,68,000/- @ 9% for the 1st one year from the date of taking possession and @15% thereafter till the same is paid or deposited into court.

32. In the present case on hand, we have only three (3) stages, i.e., Sec.11 Award, Sec.18 Award and Sec.54 Award.

33. Both the DHr as well as JDr / State contrary to the law laid down by Apex Court in **Gurpreet Singh** (2 supra) filed Calculation Memos and revised Calculation Memos. Though, the merger theory is rejected by Supreme Court, both the calculations filed by JDr and DHr started with Appellate Court enhanced Market Value as the starting point.

34. Similarly, both JDr as well as DHr calculated interest @ 9% for the 1st one year i.e., from the date of taking possession i.e., 22.09.1979 and @ 15% thereafter, though, the Award of L.A.O., in this case was passed on 23.03.1982.

35. The Land Acquisition Act,1894 was amended and the amended Act 68/84 came into force from 24.09.1984. Prior to amendment, the interest rate from the date of taking possession till it is deposited or paid was uniform @ 6%. As held by Supreme Court, Act 68/84 is only prospective. Thus, claimant will have to calculate interest @ 6% only up to the date of enforcement of amended Act 68/84 and only thereafter @ 15%.

36. Like-wise, 15% solatium was enhanced to 30% under the amended Act, 1984. Thus, the benefit of 30% solatium is applicable in the present case also in view of the law laid down in **Union of India v. Raghubir singh (Dead) by LRs**[4]. But, however, since the amended Act came into force only from 24.09.1984, the DHr would be entitled to 6% interest on 15% of solatium originally awarded up to the date of 24.09.1984 and thereafter @15% per annum on 30% solatium.

37. However, both JDr as well as DHr proceeded as if DHr is entitled to 30% solatium and interest @ 9% for one year from the date of taking possession and 15% thereafter basing on the Reference Court Award as well as Award of High Court which in fact granted 30% solatium and interest @9% from the date of possession and 15% thereafter.

38. Since the amended Act 68/1984 is only prospective in operation and came into force w.e.f., 24.09.1984, that part of three awards are

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[4] (1989) 2 SCC 754

contrary to statute and nullity. Hence, I proceeded to calculate in accordance with the provisions of the statute.

39. The JDr / State is placing reliance upon para 51 of the judgment of **Gurpreet Singh** (2 Supra) and contends that as and when the State files a calculation memo showing the details of payment under distinct heads separately towards principal, solatium, costs and interest etc., the DHr cannot appropriate as per his own volition firstly towards interest and costs and thereafter towards principal.

40. For better understanding, para 51 of **Gurpreet Singh** (2 supra) is set out below:

> *"**Prem Nath Kapur** also indicates that when an award-decree is passed specifying the amounts under different heads like the amount under Section 23(1), the amount under Section 23(2), the amount under Section 23(1-A) and the interest under Section 28 and the judgment-debtor makes a deposit of specified sums under these different heads, it will amount to the judgment-debtor intimating the decree-holder as to how the sum deposited is to be applied in discharge of the obligation of the judgment-debtor. Once a decree-holder receives the payment of the sums thus deposited, he would be accepting the appropriation made by the judgment-debtor under the award-decree in the scheme of the Land Acquisition Act. This part of the reasoning in **Prem Nath Kapur** is, of course, also based on the reasoning that there is some inconsistency in Order 21 Rule 1 of the Code and the scheme of the Act. **Prem Nath Kapur** also indicates that when the decree itself specifies the amount payable under different heads (the decree has to do so under Section 26 of the Act) and amounts are deposited towards those different heads, the appropriation would be on the basis of the direction under the decree which must be taken to be one for crediting the various sums paid under particular heads. On the scheme of the Act, especially the wordings of Section 34 and Section 28 of the Act, it is not possible to*

*say that the said approach made in **Prem Nath Kapur** is erroneous or is unreasonable or is not (sic) a line of approach that is not warranted. Therefore, when the judgment-debtor State makes a deposit along with the calculation appropriating distinct sums towards various heads of compensation as awarded by the Reference Court or by the appellate court in the appellate decree, and the amount is received by the decree-holder, the decree-holder must be taken to be not entitled to seek an appropriation as if the judgment-debtor has not made any intimation and that he is entitled to appropriate at his volition. Considering the scheme of compensation under the Act in the context of the specific nature of the items specifically referred to in Section 23 of the Act, we are of the view that the approach adopted in **Prem Nath Kapur** is justified. A re-appropriation by seeking to reopen the satisfaction already rendered might result in interest being made payable even on that part of the principal amount that had already been deposited and received by the decree-holder and that would be in the realm of unjust enrichment."(emphasis supplied)*

41. However, on the other hand, DHr was appropriating the payments initially towards interest and costs and solatium and other heads.

42. In the present case, the State filed calculation memo along with details of distinct heads only after **Gurpreet Singh** (2 Supra) judgment was delivered.

43. However, when we look at the calculation memo filed by the State, there is a reference that the compensation awarded towards structures and plants were paid in full by the L.A.O., and hence no interest is calculated at all. This is palpably wrong as in fact, value of structures and plants were fixed at Rs.1,67,200/- by the High Court and the same were granted for the first time under the Award made by the High Court under Sec.54 of the L.A., Act on 16.08.1999. It is

inexplicable as to how the L.A.O., could have mentioned the same in the calculation memo and deducted the same even in the year 1982.

44. In my opinion, the calculation memos filed by DHr as well as JDr / State cannot be taken on their face value since the same are contrary to fact and law.

45. In Para 51 of **Gurpreet Singh** (2 Supra), it is made clear that when the JDr / State makes a deposit along with calculation awarded by Reference Court or by Appellate Court appropriating distinct sums towards various heads of compensation and the amount is received by the DHr, he cannot appropriate on his own volition as if JDr has not intimated. It further held that:

> *"A re-appropriation by seeking to re-open the satisfaction already rendered might result in the interest being made payable even on that part of the principal amount that had already been deposited and received by the DHr and that would be in the realm of unjust enrichment."*

46. However in Para 36 of the judgment of **Gurpreet Singh (2 Supra)** it is also held:

> *" 36. Can a claimant or decree-holder who has received the entire amount awarded by the Reference Court or who had notice of the deposit of the entire amount so awarded, claim interest on the amount he has already received merely because the appellate court has enhanced the compensation and has made payable additional compensation? We have already referred to Order 21 and Order 24 of the Code to point out that such a blanket reopening of the transaction is not warranted even in respect of a money decree. Section 28 of the Act indicates that the award of interest is confined to the excess compensation awarded and it is to*

> *be paid from the date of dispossession. This is in consonance with the position that a fresh reappropriation is not contemplated or warranted by the scheme of the Act. But if there is any shortfall at any stage, the claimant or decree-holder can seek to apply the rule of appropriation in respect of that amount, first towards interest and costs and then towards the principal, unless the decree otherwise directs." (emphasis supplied)*

47. So there is another important principle. i.e that *if there is any shortfall at any stage, the claimant DHr can seek to apply the rule of appropriation in respect of that amount first towards interest and costs and then towards principal, unless the decree itself otherwise directs.*

48. Thus, a conjoint reading of both the paragraphs of the judgment in **Gurpreet Singh** would make it clear that whenever there is any shortfall in a particular stage of the award, the DHr is entitled to appropriate that amount towards interest and costs and then towards principal.

49. The deposit made by the State along with calculation would be according to the distinct sums mentioned therein, only when there is no shortfall at a particular stage of the award. Otherwise, the recognition of the right of DHr to appropriate according to his volition in case of shortfall at particular stage of the award becomes otiose/ redundant. This is the essential ratio laid down by the Supreme Court in **Gurpreet Singh** (2 supra) and the same has to be understood in this way only.

50. In the present case, there is admittedly shortfall in the reference court award and hence DHr would be justified in appropriating the amount deposited by the State at his volition till the shortfall is made good.

51. After having gone through the calculation memos and the revised calculation memos of both JDr / State as well as DHr / Claimant, the Amicus Curiae has prepared the following calculation memo in accordance with the Scheme of the Land Acquisition Act and in consonance with judgment of **Gurpreet Singh** (2 supra) for the assistance of the Hon'ble Court.

STAGE –I

AWARD DATED 20.03.1982 BY L.A.O., u/s. 11 of L.A. Act, 1894

Item	Description		Rs. Ps.
a)	Market Value @ Rs.4000/- per Acre awarded by LAO for Ac.26-39 Guntas (Ac.26-39 x Rs.4000/-) = **Rs.1,07,900.00**		**1,07,900.00**
b)	**Add :** Solatium @ 15% on M.V. of the Land	Rs.16,185.00	
c)	**Add:** Interest on both M.V. and Solatium @ **6%** per annum from the date of taking possession i.e., 22.09.1979 to 20.03.1982	Rs.18,819.56	
d)	**Total Amount (a + b + c) payable :** (Rs.1,07,900.00 (+) 16,185.00 (+) 18,819.56 = **1,42,904.56)**		**1,42,904.56**
e)	Amount paid by L.A.O., as per Award dated 20.03.1982	Rs.1,45,396.00	
f)	**Less** Amount payable under **(a+b+c)** i.e.,**1,42,904.56**	Rs.1,42,904.56	
g)	**Excess Amount Paid by L.A.O. under Stage-I** **(e – f)** (1,45,396.00 (-)1,42,904.56 = **2,491.44)**		**2,491.44**

Remarks: The award of L.A.O., i.e., Stage - I is satisfied. The excess amount of Rs.2491.44 will be adjusted in Stage – II Award by deducting the same under the Principal Amount.

STAGE –II

AWARD DATED 14.12.1988 REFERENCE COURT u/s.18 of L.A. Act, 1984

Item	Description		Rs. Ps.
a)	Market Value @ Rs.5/- per Square Yard awarded by Reference Court, which comes to (4840 square yards x Rs.5/-) Rs.24,200/- per Acre. **Ac.26-39 Guntas x Rs.24,200 per Acre. = Rs.6,52,795.00**		**6,52,795.00**
b)	**Less :** M.V. of the Land awarded by L.A.O.,	Rs.1,07,900.00	
c)	Principal M.V of the Land for purpose of calculating the interest **(a – b)** (Rs. 6,52,795.00 (-)Rs.1,07,900.00 = **Rs.5,44,895.00**)		**5,44,895.00**
d)	**Add:** Solatium @ 30% on **Rs.5,44,895.00** which comes to Rs.1,63,468.50	Rs.1,63,468.50	
e)	Total Principal M.V. of land and Solatium i.e., **(c + d)** equal to (Rs.5,44,895.00 + Rs.1,63,468.50 = **Rs.7,08,363.50)**		**7,08,363.50**
f)	**Less:** Excess Amountpaid by L.A.O., under Sec.11 Award in Stage – I i.e., Rs.**2,491.44** is adjusted towards Principal i.e., Rs.7,08,363.50 (-) Rs.2,491.44 which comes to **Rs.7,05,872.06**, which is the Principal compensation due for purpose of calculating interest.	Rs.7,05,872.06	
g)	**Add** : Interest @ 6% on 15% of Solatium and M.V of land i.e.,Principal Amount Rs.**5,44,895.00** from the date of taking possession i.e., 22.09.1979 till 24.09.1984 (1829 days) @ Rs.104.44 per day.	Rs.191017.48	

h)	**Add** : Interest @ 15% on 30% of Solatium and M.V. of land from the date of taking possession i.e.,24.09.1984 to 14.12.1988 (1542 days) @ Rs.294.11 per day. i.e., Rs.**4,53,522.80**	Rs.4,53,522.80	
Item	**Description**		**Rs. Ps.**
i)	Total compensation payable as on 14.12.1988 is equal to **(f+g+h)** (Rs.7,05,872.06 (+) 1,90,258.01 (+) Rs.4,53,522.80 = **Rs.13,50,412.34**)		**13,50,412.34**
j)	**Add** : Interest @ 15% on 30% of Solatium and M.V. of land from 14.12.1988 till 15.11.1991 (1066 days) @ Rs.294.11 per day i.e**., Rs. 3,13,524.84**	Rs.3,13,524.84	
k)	Total compensation payable as on 15.11.1991 **(i + j)** **(**Rs.13,49,652.86 (+)Rs.3,13,524.84 = **Rs.16,63,937.18**)		**16,63,937.18**
l)	**Less** : Amount deposited by L.A.O. on 15.11.1991	Rs.6,97,356.00	
m)	Balance Amount payable as on 15.11.1991 is **(k – l)** i.e., (Rs.1663937.18 (-)Rs.6,97,356.00 = **Rs.9,66,581.18)**		**9,66,581.18**
n)	**Add** : Interest @ 15% on 30% of Solatium and M.V. of land i.e.,Principal Amount Rs.6,87,410.82 from 15.11.1991 to 01.03.1993 (472 days) @ Rs.294.11 per day i.e., **Rs.1,38,821.18**	Rs.1,38,821.50	
o)	Total compensation payable as on 01.03.1993 **(m(+) n)** (Rs.9,66,581.18 **+** Rs.1,38,821.50 = **11,05,402.68**)		**11,05,402.68**
p)	**Less** : Amount deposited by L.A.O. on 01.03.1993	Rs.3,76,760.00	
q)	Balance compensation payable as on 01.03.1993 **(o (-) p)** **(Rs.11,05,402.68 (-)Rs.**3,76,760.00 = **Rs.7,28,642.68)**		**7,28,642.68**
r)	**Add** Interest @ 15% on 30% of Solatium and M.V. of land i.e.,Principal Amount Rs.728642.68 from 01.03.1993 to 20.08.2002 (3459 days) @ Rs.303.60 per day i.e., **Rs.10,50,156.27**	Rs.10,50,156.27	

Item	Description	Rs. Ps.
s)	**Balance compensation payable** as on 20.08.2002 (**q (+) r) (Rs.**7,28,642.68 (+) Rs.10,17,338.10 = **17,45,980.79)**	**17,45,980.79**
t)	**Less:** Amount adjusted towards entire outstanding payable i.e., Rs. **17,45,980.79** from out of Rs.30,85,064.00 deposited on 20.08.2002	**13,06,265.05**
u)	**Stage – II** **AWARD OF THE REFERENCE COURT IS SATISFIED (s (-) t) (Rs.1778798.95 (-)Rs.1306265.05)**	----

STAGE –III

AWARD DATED 16.08.1999 OF HIGH COURT u/s.54 of L.A. Act., 1984

Item	Description		Rs. Ps.
a)	Market Value @ Rs.10/- per Square Yard awarded by High Court, which comes to (4840 square yards x Rs.10/-) Rs.48,400/- per Acre. **Ac.26-39 Guntas x Rs.48,400 per Acre. = Rs.13,05,590.00**		**13,05,590.00**
b)	**Less :** M.V. of the Land awarded by Reference Court @ Rs.5/- per square yards i.e., 4840 square yards x Rs.5/-) Rs.24,200/- per Acre. **Ac.26-39 Guntas x Rs.24,200 per Acre. = Rs.6,52,795.00**	Rs.6,52,795.00	
c)	Principal M.V of the Land for purpose of calculating interest **(a – b)** (Rs.1305590.00 (-) Rs. 6,52,795.00 = **6,52,795.00**)		**6,52,795.00**
d)	**Add:** Value of Structure and plants for the first time awarded by the High Court	Rs.1,67,200.00	

e)	Principal M.V. of land and Value of Structures and Plants i.e., **(c + d)** (Rs.6,52,795.00 (+) Rs.1,67,200.00 = **Rs.8,19,995.00**		8,19,995.00
f)	**<u>Add</u>:** Solatium @ 30% on **Rs.8,19,995.00,** which comes to Rs.2,45,998.50	Rs.2,45,998.50	
g)	Total Principal M.V. of land and Solatium and structures i.e., **(c + d + f)** equal to Rs.6,52,795.00 **(+)** Rs.1,67,200.00 (+)Rs.2,45,998.50 = **Rs.10,65,993.50**		**Rs.10,65,993.50**
h)	**<u>Add</u>** : Interest @ 6% on 15% of Solatium and M.V. of land and structures i.e., (Rs.1,22,999.25 + Rs.8,19,995.00), which comes to 9,42,994.25) from 22.09.1979 till 24.09.1984 (1829 days) @ Rs.157.17 per day.	Rs.2,87,456.08	

Item	**Description**		**Rs. Ps.**
i)	**<u>Add</u>** : Interest @ 15% on 30% of Solatium(i.e., Rs.2,45,998.50 + Market Value of land, structures and plants i.e., (Rs.2,45,998.50 + Rs.8,19,995.00) which comes to Rs.10,65,993/- from 24.09.1984 to 20.08.2002 (6539 days) @ Rs.444.16 per day which comes to Rs.**29,04,388.12**	Rs.29,04,388.12	
j)	Total balance compensation payable as on 20.08.2002 i.e., is equal to **(g+h+i)** (Rs.10,65,993.50 (+) Rs.2,87,456.08 (+) Rs.29,04,388.12 = Rs.42,57,837.70		**42,57,837.70**
k)	**<u>Less:</u>** Balance amount adjusted in Stage III i.e., Rs.13,39,083.21 out of Rs. 30,85,064.00 deposited by L.A.O., on 20.08.2002 after having appropriated Rs.17,45,980.79 towards total outstanding balance in **<u>Stage –II</u>**	Rs.13,39,083.21	
l)	Total balance compensation payable as on 20.08.2002 **(j (-) k) (**Rs.42,57,837.70 (-)Rs.13,39,083.21 = **Rs.29,18,754.49**		**29,18,754.49**

m)	**Add** : Interest @ 15% on 30% of Solatium and M.V. of land and structures on Principal Amount of Rs. 10,65,993.50 from 20.08.2002 till 17.12.2008 (2311 days) @ Rs.444.16 per day i.e., **Rs.10,26,462.91**	**Rs.10,26,462.91**	
n)	Total balance compensation payable as on 17.12.2008 **(l + m)** (Rs.**29,18,754.49** (+)Rs. **10,26,462.91** = **Rs.39,45,217.40**		**39,45,217.40**
o)	**Less:** Amount deposited by L.A.O. on 17.12.2008	Rs.16,60,519.00	
p)	Balance compensation payable as on 17.12.2008 (n – o) (Rs.**39,45,217.40 (-)**16,60,519.00 = Rs.**22,84,698.40**		**22,84,698.40**

Item	Description		Rs. Ps.
q)	**Add** : Interest @ 15% on 30% of Solatium and M.V. of land and structures on Principal Amount of Rs. 10,65,993.50 from 17.12.2008 till 27.05.2010 (526 days) @ Rs.444.16 per day i.e., **Rs.2,33,630.24**	Rs.2,33,630.24	
r)	Balance Compensation payable as on 27.05.2010 (p (+) q) (Rs.**22,84,698.40 + 2,33,630.24 = Rs.25,18,328.64**)		**25,18,328.64**
s)	**Less:** Amount Deposited on 27.05.2010	Rs.2,61,616.00	
t)	Balance compensation payable as on 27.05.2010 (r (-) s) (**Rs.25,18,328.64 (-)**Rs.2,61,616.00 = Rs.22,56,712.64		**22,56,712.64**
u)	**Add** : Interest @ 15% on 30% of Solatium and M.V. of land and structures on Principal Amount of Rs. 10,65,993.50 from 27.05.2010 till 08.11.2012 (896 days) @ Rs.444.16 per day i.e., Rs.3,97,970.91	Rs.3,97,970.91	
v)	Balance Compensation payable as on 08.11.2012 (t (+) u) (Rs.22,56,712.64 (+) Rs.3,97,970.91 = Rs.**26,54,683.55**		**26,54,683.55**

w)	**Less** Amount deposited by L.A.O., on 08.11.2012	Rs.2,90,479.00	
x)	Balance Compensation payable as on 08.11.2012 (v (-) w) (Rs.26,54,683.55 (-) Rs.2,90,479.00 = Rs.23,64,204.55		**23,64,204.55**
y)	**Add** : Interest @ 15% on 30% of Solatium and M.V. of land and structures on Principal Amount of Rs. 10,65,993.50 from 08.11.2012 till 11.03.2018 (1949 days) @ Rs.444.16 per day i.e., **Rs.8,65,675.55**	Rs.8,65,675.55	

Item	Description		Rs. Ps.
z)	Balance Compensation payable as on 11.03.2018 (x (+) y) (Rs.**23,64,204.55** (+) Rs.8,65,675.55 = Rs.32,29,880.10		32,29,880.10
aa)	**Less** Amount deposited by L.A.O., on 12.03.2018 as per the interim order in C.R.P. dated 23.02.2018	Rs.5,00,000	
ab)	Balance Compensation payable as on 12.03.2018 (z (-) aa) (Rs.32,29,880.10 (-) Rs.5,00,000.00 = Rs.**27,29,880.10**		**27,29,880.10**
ac)	**Add** : Interest @ 15% on 30% of Solatium and M.V. of land and structures on Principal Amount of Rs.10,65,993.50 from 12.03.2018 till 01.11.2019 (600 days) @ Rs.444.16 per day i.e., **Rs.2,66,498.38**	Rs.2,66,498.38	
ad)	Balance Compensation payable as on 01.11.2019 (ab (+) ac) (Rs.27,29,880.10 (+) Rs.2,66,498.38 = Rs.**29,96,378.48**		**29,96,378.48**

52. Though the learned Government Pleader sought to dispute the correction of this calculation of the Amicus Curiae, I reject the said contention and hold that this calculation is correct and is in accordance with the decision in **Gurpreet Singh** (2 Supra).

53. Accordingly, the CRPs are dismissed; since the acquisition is of 1979 and 40 years have elapsed since then, 4 weeks time is granted to the State to pay the amount of Rs.30,29,190.44/- with further interest @ 15% from 2.11.2019 till date of payment on PMV of Rs.10,65,993.50/-. If the said amount is not paid within the aforesaid time, the respondent can take steps in execution and recover the same from the petitioner.

54. I also place on record the invaluable assistance rendered to me by the Amicus Curiae.

55. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

M.S.RAMACHANDRA RAO, J

Date: 22-11-2019

LR copy to be marked – **Yes**
B/o.
Vsv