

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2128 of 2011 (O&M)

Date of Decision: January 17, 2019

Satinder Singh

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Sudhir Paruthi, Advocate,
for the petitioner.

Mr. Rohit Arya, AAG, Haryana,
for the State.

Mr. K.S.Malik, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

The present revision petition is directed against the order dated 20.11.2010 (Annexure P-4), whereby the execution application of the petitioner-landlord has been dismissed by the Additional District Judge, Panchkula, on the premise that no interest can be calculated on the amount awarded by the Land Acquisition Collector by relying upon the judgment in **Gurpreet Singh Vs. UOI, 2006 (8) SCC 457.**

Mr. Sudhir Paruthi, learned counsel appearing on behalf of the petitioner while drawing the attention of this Court to the order dated 15.03.2018, submitted that the State of Haryana vide CM No.18760-CII of 2016 placed on record the calculation sheet, which has been rebutted by the

petitioner and as per the calculation of the State, there is difference of ₹2,46,637/- as the share of the petitioner is 1/10th.

Per contra, Mr.K.S.Malik, learned counsel representing respondent No.2 and Mr.Rohit Arya, learned State Counsel, supported the impugned order and opposed the prayer of the petitioner for re-determination of the compensation as the petitioner has not submitted the calculation which has been placed for the first time before this court. Had the same been placed earlier, there was no occasion for him to approach this Court. The petitioner cannot take the benefit of adoption of delaying tactics and claim interest.

I have heard the learned counsel for the parties and appraised the paper book.

The calculations brought on record through various applications, reveal some discrepancies, which, according to the petitioner have not been taken care of. The trial Court dismissed the application by relying upon the case law and without adverting to the calculations, thus, the order is fallacious. The same is set-aside and the matter is remitted back to the trial Court for fresh decision. Both the parties, i.e., the petitioner, the State of Haryana and the HUDA shall submit the calculations over and above the calculations submitted before this Court and sit together and determine the compensation and in the absence of consensus, whether any amount is payable by HUDA or the State Government, the trial court shall determine the differences, if any, and decide the matter afresh.

The parties, through their counsel, are directed to appear before the trial Court on 11.02.2019.

With the aforementioned observations, revision petition stands

disposed of.

January 17, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No