

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: May 08, 2019

Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Sanjay Jain, Advocate.
Mr. Bhag Singh, Advocate.
Mr. Navneet Singh, Advocate,
Mr. Deepak Sharma, Advocate,
for the petitioners.

Mr. Pawan Kumar Jangra, Addl.A.G.Haryana,
for the State.

AMIT RAWAL, J.

This order of mine shall dispose of Revision Petitions bearing No.621 to 642, 890, 891, 899, 2548, 2550 to 2553, 5829, 5839, 6291, 3243, 1252 and 6292 of 2016 as the common question of fact and law is involved.

All the aforementioned petitions are directed against the impugned order of the Executing Court for non-grant of the interest on solatium in the absence of any order of the Reference Court or this Court.

Mr. Sanjay Jain, Mr. Bhag Singh, Mr. Navneet Singh and Mr. Deepak Sharma, learned counsel representing the petitioners submitted that the matter referred to Hon'ble the Supreme court in **M/s Periyar and Pareekanni Rubbers Ltd. Versus The State of Kerala** in Civil Appeal

Nos.7034-7037 of 2015 has been adjudicated vide order dated 14.11.2018,

whereby it has been held that the ratio culled out in **Sunder Versus Union of India, (2001) 7 SCC 211** and **Gurpreet Singh Versus Union of India, (2006) 8 SCC 457** would not have any effect in that case. Be that as it may, as per **Sunder's case (supra)**, the cut off date is 19.09.2001 for the purpose of determination of the interest and other statutory benefits, including the solatium. They further submitted that the matter may be remitted to the Executing Court for adjudication of the execution applications in accordance with the law.

Mr. Pawan Kumar Jangra, learned Additional Advocate General, Haryana representing the State submitted that no statutory benefits, interest on solatium were granted and, thus, urged this court for dismissal of the revision petitions.

I have heard the learned counsel for the parties, appraised the paper book and of the view that it is a fit case where the matter requires to be re-visited by the Executing Court as the revision petitions were being adjourned on the ground that the matter regarding the interpretation and implementation of the judgments rendered in **Sunder and Gurpreet Singh's cases (supra)** were under consideration before Hon'ble the Supreme court in **M/s Periyar & Pareekanni Rubbers Ltd.'s case (supra)**. Once it has been held that it would not have any implication, the Executing Court is required to consider the matter afresh regarding grant of statutory benefits under Sections 23(1-A) 23(2) and 28 of the Land Acquisition Act, 1894 and as well as payment of interest on solatium and additional amount, i.e., whether they were subject matter of the award before the Reference Court or of this Court. Both the parties would be at liberty to address the arguments in accordance with law and give calculations as per the law

applicable, which would be shared amongst each other and submit to the Court for consensual order, if possible, otherwise the Executing Court shall decide execution petition in accordance with law.

The parties, through their counsels, are directed to appear before the Executing Court on 29.05.2019.

May 08, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No