

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3894 of 2022 (O&M)

Date of Decision: 15.09.2022

Arawali Power Company

... Petitioner(s)

Versus

Sat Parkash and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner(s).

Mr. Harsh Vardhan Shehrawat, Assistant Advocate General,
Haryana and Mr. Jaspal Singh Pannu, Assistant Advocate
General, Haryana, for the respondent No.2 and 3.

Anil Kshetarpal, J.

1. Questioning the correctness of the order passed by the Reference Court, the petitioner has filed the present revision petition. The petitioner is a beneficiary of the compulsory acquisition of the land of the farmers. A thermal power plant on the acquired land has been constructed by the petitioner. A notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) was issued on 16.01.2007, whereas, the award was announced by the Land Acquisition Collector, on 07.05.2007, while offering to pay ₹16,00,000/- per acre along with the statutory benefits. The Reference Court upheld the award passed by the Land Acquisition Collector, whereas the High Court has assessed the market value of the acquired land @ ₹29,00,400/- per acre. Before the Supreme

Court, the petitioner questioned the correctness of the assessment made by

the High Court. The Supreme Court has granted an interim stay, subject to deposit of 25% of the enhanced amount. The petitioner claims that it deposited 25% of the enhanced amount in the Reference Court on 30.11.2016. Ultimately, the market value of the acquired land was assessed by the Supreme Court @ ₹25,00,000/- per acre vide judgment dated 05.09.2017. The manner of calculating the amount along with the interest, cost and its apportionment under the different heads is not questioned.

2. Heard the learned counsel representing the petitioner, at length and with his able assistance, perused the paper-book.

3. The learned counsel representing the petitioner contends that while depositing 1/4th of the enhanced amount on 30.11.2016, the petitioner has specified the amount payable towards the interest, cost and principal. He submits that once 25% of the principal amount was paid, the landowners will not be entitled to the interest on the aforesaid principal amount. He relies upon the judgment passed by the Five Judges' Bench of the Supreme Court in ***Gurpreet Singh v. Union of India (2006) 8 SCC 457***.

4. This Court has considered the submissions and examined the paper-book. In the land acquisition cases, the market value is assessed as on the date of notification under Section 4 of the 1894 Act, which, in this case would be 16.01.2007. Whereas, the landowners are entitled to be paid the market value of the acquired land @ ₹25,00,000/- per acre along with all the statutory benefits on the date of award passed by the Land Acquisition Collector which in this case was announced on 07.05.2007. Since there was an error in the assessment of the market value by the Land Acquisition Collector, the Court had to intervene and assess the correct market value. In

payment is made in parts/staggered manner, the land looser shall be entitled to adjust the partly paid amount, firstly towards interest, then towards cost and lastly towards principal.

5. The interim amount deposited by the petitioner was on account of an interim order granted by the Supreme Court. At that point of time, the landowners have no choice but to accept the same. In any case, the market value will relate back to the date of the award, i.e. 07.05.2007. Thus, the amount is required to be calculated @ ₹25,00,000/- per acre. The Reference Court has held that the landowners shall be entitled to adjust the various payments received in a staggered manner firstly towards interest, thereafter towards the cost and lastly towards the principal i.e. in accordance with the principles laid down in *Gurpreet Singh's case (supra)*.

6. Keeping in view the aforesaid facts, the present revision petition is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

September 15, 2022
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No