

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA-741-2022 (O&M)

Date of Decision: 17.10.2023

Jaji Ram (deceased) through LRs

...Appellant

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Jain, Advocate for the appellant.

Mr. Abhinash Jain, Deputy Advocate General, Haryana.

HARKESH MANUJA, J. (oral)

1. By way of present appeal, challenge has been made to an award dated 10.02.2021 passed by the Additional District Judge, Gurugram, making a limited prayer for grant of statutory interest under Section 28 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') from the date of taking possession of the land till the date of release of amount of compensation, rather than, grant of interest from the date of filing of reference petition.

2. Learned counsel for the appellant submits that certain land of the appellant came to be acquired vide Notifications dated 11.02.2010 and 19.02.2010, issued under Sections 4 and 6 of 1894 Act, respectively followed by an award dated 14.06.2010 whereby market value was assessed @ Rs.60 lakh per acre. The appellant filed reference

petition under Section 18 of 1894 Act seeking enhancement of compensation on the ground that the acquired land was having great potential value. The Reference Court while deciding the issue of limitation rightly recorded the findings in favour of the landowners that the reference petition was not barred by limitation, as the same was filed within 6 weeks after the decision of petition under Section 30 of 1894 Act and the same was never even assailed by the respondents through filing of any cross appeal impugning the award dated 10.02.2021.

3. Vide aforementioned award, although, the appellant has been held entitled for enhanced compensation @ Rs.2,48,64,000/- per acre besides other statutory benefits, however, the payment of statutory interest as provided under Section 28 of 1894 Act has been restricted from the date of filing of reference petition, rather than, from the date of taking possession of land under acquisition.

4. I have heard the learned counsel for the parties and gone through the paper-book.

5. A perusal of the impugned award shows that while restricting the relief of payment of statutory interest under Section 28 of 1894 Act from the date of filing of reference petition, no reason at all has been recorded and the same is thus, in violation of the Legislative mandate itself. Once the possession of the land was taken from the appellant-landowner, on the date of passing of the award under Section 11 of the Act, on 14.06.2010, interest was required to be awarded in

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terms of Section 28 of 1894 Act, from the date of taking possession till the date of disbursement. Even no special reasons have been recorded by the Reference Court to support its reasoning.

6. In view of the discussion made herein above, the award dated 10.02.2021 passed by the Additional District Judge, Gurugram, is hereby modified to the aforesaid extent.

7. Disposed of in the above terms.

8. Pending application(s), if any, shall stand(s) disposed off.

17.10.2023

Mangal Singh

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No