

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Civil Revision No. 2532 of 2018 (O&M)

Reserved On: 20.07.2023

Pronounced On: 28.07.2023

Punjab State Electricity Board
now Punjab State Power Corporation Ltd.

..... Petitioner

Versus

Channan Singh (deceased) through his LRs and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Roshan Lal Sharma, Advocate
for the petitioner-judgment debtor.

Mr. Satbir Rathore, Advocate
for respondent No. 1 (i) & (ii).

Mr. Athar Ahmed, Deputy Advocate General, Punjab

HARKESH MANUJA, J.

By way of present revision petition, challenge has been laid to the orders dated 02.11.2016 & 01.11.2017 (**P-4 & P-6 respectively**) passed by the Executing Court, whereby the objections filed at the instance of petitioner/judgment debtor have been rejected.

[2] In the present case, the land of respondent-landowners, situated in Village Nasrali (Hadbast No. 63), Mandi Gobindgarh, Tehsil Nabha, District Patiala, was sought to be acquired vide Notification dated 24.11.1986 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter to be referred as “the Act”). Post issuance of notification under Section 6 of the Act, The Land Acquisition Collector, Patiala, passed

Award No. 11 on 08.11.1988 (**P-1**), whereby the market value of the land was assessed @ Rs. 1 lakh, besides other statutory benefits.

[3] Aggrieved thereof, the respondents invoked Section 18 of the Act, which came to be decided vide Reference Court's Award dated 03.03.1993 (**P-2**) and the amount of market value was assessed @ Rs. 2,88,037/- per acre.

[4] The landowner(s)-respondent(s) filed **RFA No. 2842 of 1993**, titled "**Chanan Singh (deceased, through his LRs) son of Shri Asha Singh, resident of Village Nasrali (Mandi Gobindgarh), Tehsil Nabha, District Patiala Versus State of Punjab, through Collector, Patiala**", which came to be decided by this Court on 08.08.2012 (**P-3**) and the market value was enhanced to Rs. 5,10,000/- per acre. Based thereupon, respondent-landowner(s) filed execution application No. 21, dated 29.03.2017, wherein the Executing Court, vide its order dated 02.11.2016 (**P-4**) found the respondent-landowner(s) to be entitled for interest on solatium.

[5] In pursuance thereof, both sides filed their calculations. The Executing Court, vide order dated 01.11.2017 (**P-6**), discarded the calculations submitted by the petitioner-judgment debtor, while holding the respondent-landowner(s) to be entitled for a sum of Rs. 18,17,037/-.

[6] By way of present revision, challenge has been laid to the aforesaid two orders dated 02.11.2016 & 01.11.2017 (**P-4 & P-6, respectively**), by placing reliance upon a judgment passed by the Hon'ble Supreme Court in case "**Gurpreet Singh Versus Union of India**", 2008 (2) **RCR 207**, while contending that the respondent-landowners were entitled for grant of interest on solatium only w.e.f. 19.09.2001, i.e. the date of

decision/order passed by the Hon'ble Supreme Court in "***Sunder Versus Union of India***", AIR 2001 SC 3516. Learned counsel for the petitioner further stated that the calculations submitted by the petitioner were wrongly rejected, while ignoring the principles of appropriation, as laid down by the Hon'ble Supreme Court in ***Gurpreet Singh's case (supra)***.

[7] On the other hand, learned counsel representing the respondent-landowner(s) submits that the ratio of ***Gupreet Singh's case (surpa)*** with regard to the award of interest on solatium w.e.f. 19.09.2001, would not be applicable in the present case, as the final determination of the market value was done in favour of the respondent-landowner(s) by this Court vide judgment dated 08.08.2012 (P-3) passed in ***RFA No. 2842 of 1993***, which was much after the passing of judgment in ***Sunder's case (supra)*** and thus, the Executing Court rightly rejected the calculations submitted by the petitioner-judgment debtor.

[8] I have heard learned counsel for the parties and gone through the paper-book as well as law cited at the bar. I am unable to find any substance in submissions made on behalf of the petitioner.

[9] In the present case, the final determination of amount of market value *qua* the acquired land was made by this Court, vide judgment dated 08.08.2012 (P-3) passed in ***RFA No. 2842 of 1993***, which was much after the decision in ***Sunder case (supra)*** and thus the landowners were entitled for grant of interest on solatium with effect from the date when the possession was taken from them. This issue has already been decided by this Court vide judgment dated 11.07.2023 in ***Civil Revision No. 1497 of 2013***, titled "***Union of India and another Versus Ajaib Singh and others***".

Relevant para-14 thereof is re-produced hereunder:-

“ 14.It is important to note here that the above proposition was laid down while dealing with the rule of appropriation in execution of money decree in land acquisition matters, thus, the same was in fact only to enlarge the scope of the execution proceedings in a certain way to confer powers upon the Executing Court to grant benefit of interest on solatium in cases where determination on the question of market value and compensation was finally over before the reference Court as well as the Appellate Court.

Needless to repeat that the entire discussion in Gurpreet Singh's case (supra) was about cases, wherein the final determination of compensation was over by the time, judgment in Sunder's case (supra) was rendered and the same could not be made applicable to the claims made by the landowners in the cases, where the question of quantum of market value and compensation was pending, but determined finally, post decision in the case of Sunder's (supra), by reading and applying the text from the judgment in case of Gurpreet Singh's (supra) in absolute terms as a statute; rather than reading the point of law it lays down by reference to the issue involved.”

[10] In view of the discussion made hereinabove, once the respondent(s)-landowner(s) were entitled for award of interest on solatium from the date when the possession was taken from them by the petitioner, the calculations and objections filed at the instance of petitioner were rightly rejected by the Executing Court.

[11] Accordingly, the present revision petition is **dismissed** with a direction to the Executing Court to execute the award / appellate judgment dated 08.08.2012 (P-3) passed in ***RFA No. 2842 of 1993*** and the amount be

got released in favour of respondents/landowners as per the principles of appropriation laid down in *Gurpreet Singh’s case (supra)*.

July 28, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No