

*D/L- 15
19/03/2026
Ct. No.-19
Aritra*

WPA 18044 of 2025
Goutam Gorai & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Arup Krishna Das
Mr. Rajarshi Ghosh

....for the petitioners

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar

....for the State

The short point that falls for consideration is whether the solatium is to be calculated only on the market value of the land multiplied by the relevant factor together with the value of the assets attached to land or building or excluding the value of assets attached to land or building.

The petitioners claim that the plot of land being L.R. Plot No.357 within Mouza-Sahebganj, J.L. No.25 in the District of Paschim Bardhaman together with structure standing thereupon was acquired for the purpose of construction and extension of 4 Lane Raniganj Bypass on National Highway 60 (NH 14) by initiating a Land Acquisition Case No.10(NH-60)/2021-22.

The competent authority under the National Highway Act, 1956 (for short “the 1956 Act”) and the Additional District Magistrate (LA), Paschim Bardhaman calculated the compensation amount to be paid to the petitioners herein.

Mr. De, learned Additional Government places reliance upon the report in the form of an affidavit of the competent authority and submits that the petitioners herein are not entitled to get the solatium as per the provisions of the 1956 Act and since the solatium was erroneously added with the structure value, the amount on account of solatium has been deducted from the compensation amount on account of the structure value has been released in favour of the petitioner. He further places reliance upon the report of the competent authority and submits that the plot No.357 had been acquired earlier vide LA Case No.5(IV)/93-94 under the provisions of Act I of 1894 for the purpose of construction of approach road to Raniganj end for Rail-cum-Road Bridge and the possession had been handed over to the Requiring Body on December 2, 1996. He, therefore, submits that the provisions of Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the 2013 Act) as well as the First Schedule of the said Act cannot be applied to the case on hand.

From the payment notices issued under Sections 3G(1), 3G(2) all dated April 19, 2023, it is evident that notices were issued to the petitioners treating them as an interested person under Sections 3G(1) and 3G(2) of the National Highway Act, 1956 and the 2013 Act and award was made on April 30, 2023 under Section 3H of the 1956

Act. The amount indicated in the said notices to be paid to the petitioners has also been indicated and it is evident therefrom that the amount payable includes the structure value together with solatium calculated at 100% of the structure value.

For the purpose of deciding the aforesaid dispute it would be relevant to take note of the provisions of Section 30 of the 2013 Act. Section 30 reads as follows:-

“30. Award of solatium.- (1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a “Solatium” amount equivalent to one hundred per cent of the compensation amount.

Explanation.- For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.

(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.

(3) In addition to the market value of the land provided under Section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of Section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.”

Section 30(2) states that the Collector shall issue individual awards detailing the particulars of

compensation payable and the details of payment of the compensation as specified in the First Schedule.

For the purpose of effective adjudication of the dispute the First Schedule is extracted hereinafter.

THE FIRST SCHEDULE

[See section 30(2)]

COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Sl No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
1	2	3	4
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas	1(One).	
4.	Value of assets attached to land or building	To be determined as provided under section 29.	
5.	Solatum	Equivalent to one hundred per cent. of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6.	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2)	

7.	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).
8.	Other component, if any, to be included	

NOTE.–The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.

Serial No.5 of the First Schedule deals with solatium. The manner of determination of the value of solatium has been indicated under the third column of the said Schedule as against Serial No.5.

After going through the manner of determination of the value of solatium as indicated in the First Schedule, this Court is of the considered view that the solatium would be determined which will be equivalent to 100% of the land value of land mentioned against Serial No.1 multiplied by the factor plus the value of the assets attached to land or building against Serial No.4 under column 2.

Section 30(1) states that the Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a “Solatium” amount equivalent to one hundred per cent of the compensation amount.

Thus the final award will be determined after imposing a solatium amount equivalent to 100% of the

compensation amount. The compensation would be the market value of the land multiplied by the relevant factor plus the value of the assets attached to the land or building computed under Section 29 of the 2013 Act.

Since it is not in dispute that the award was passed on April 30, 2023, to the mind of this Court, the provisions of Sections 26, 29, 30 of the 2013 Act and the First Schedule of the 2013 Act shall squarely apply to the case on hand.

When an award has been declared determining the amount payable to the awardees, the authorities could not have deducted any portion of the awarded amount while making the payment to the petitioners. The same would amount to modifying the award at the time of making the final payment, which is not permissible in law.

For all the reasons as aforesaid, this Court is not inclined to accept the submission of Mr. De, learned Additional Government Pleader.

Accordingly, WPA 18044 of 2025 stands disposed of.

Since it is not in dispute that only a part of the amount payable to the petitioners have been released, the respondent No.3/competent authority is directed to release the balance amount to the petitioners as expeditiously as possible but positively within a period of 8 weeks from the date of receipt of a server copy of this order.

It will be open to the competent authority to issue necessary orders to the appropriate authority for placing the funds in this regard and if such a requisition is send, such authority shall forthwith place the funds with the competent authority to enable the competent authority to comply with the order within the time limit as indicated hereinbefore.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)