2026:HHC:47526

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
C.R. No.45 of 2026
Decided on: 28th October, 2026

The National Thermal Power Corporation **...Petitioner**

Versus

Baldev Raj and others **...Respondents**

Coram
Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge
Whether approved for reporting?[1]

For the petitioner:	Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate.
For the respondents:	Mr. Susheel Gautam, Advocate, for respondents No.1 to 3. Mr. Hemant Kumar Verma, Deputy Advocate General, for respondents No.4 and 5.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner-judgment debtor No.3 feeling aggrieved by the order dated 12.03.2026, passed by the learned Additional District Judge-II, Shimla, H.P., whereby objections preferred by it have been rejected, has preferred the present revision.

2. Respondents No.1 to 3-decree holders preferred an application under Order 21 Rule 11 read with Section 151 of the Code of Civil Procedure, seeking implementation of the award dated 24.02.2021. It has been averred in the application that they are entitled to a sum of Rs.11,54,982/-.

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[1] *Whether reporters of Local Papers may be allowed to see the judgment?*

3. Respondents No. 1 to 3-decree holders had claimed this amount on the ground that the Land Acquisition Collector (in short "LAC") has wrongly calculated the interest @9% from the date of passing the award by the Land Acquisition Officer on 11.07.2007, whereas the same should have been calculated from the date of publication of the Notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), issued on 09.04.2005 up to 08.04.2006, and thereafter interest at the rate of 15% under Section 34 of the Act has also been wrongly calculated for one year after passing of the award i.e. from the date of Notification i.e. 09.04.2005 amounting to Rs.12,37,664/-, whereas the same should have been calculated w.e.f. 08.04.2006 up to 15.03.2021, which amounts to Rs.15,66,486/-. As a matter of fact, respondents No.1 to 3-decree holders have been paid less statutory interest @15%, which amounts to Rs.3,28,822/- and as such, the decree holders have been deprived of statutory interest as awarded in the award to the tune of Rs.11,54,982/-.

4. The petitioner-judgment debtor No.3 filed objections to the application seeking execution of the award and averred that the award was passed by the LAC on 11.07.2007. On merits, in para 7, it was specifically mentioned that respondents No.1 to 3-decree holders have rightly been paid interest @9% from 11.07.2007 to

10.07.2008 i.e. for one year and further 15% interest from 11.07.2008 to 15.03.2021 i.e. upto the date of deposit of the entire enhanced amount in the Registry of the Court. Thus, the calculations prepared by the LAC appended with the objections are in accordance with law. It was also specifically mentioned that the possession was undisputedly taken on 11.07.2007.

5. Respondents No.1 to 3-decree holders filed reply to the objections preferred by the petitioner-judgment debtor No.3 and while filing reply to para 7 of the objections, it was averred that the contents of the para are wrong and hence denied. It was denied that the JDs have calculated the statutory interest of 9% and 15% as per the mandate of the Act.

6. The learned Additional District Judge-II, Shimla, H.P., vide order dated 12.03.2026, rejected the objections without recording any reasons and only taking note of the fact that the perusal of fresh calculations submitted by the decree holders, the Court is satisfied that the same is in accordance with law. The order passed by the Additional District Judge-II, Shimla, H.P. is reproduced hereunder:-

> *"Heard.*
>
> *After perusing the fresh calculation submitted by the decree holder, this court is satisfied that the same is in accordance with law. The objection of the JD that the interest is to be granted from the notification is not in consonance to the settled position of law. If the interest*

> *is calculated from the date of possession, then the calculation submitted by the DH is found to be correct, as per which, the net payable amount comes to Rs.7,05,120/-. Accordingly, the objections are not held to be maintainable and disposed of. Be tagged.*
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> *Time sought for making the payment. Allowed. Be made on 04.05.2026"*

7. Learned senior counsel for the petitioner-judgment debtor No.3 has vehemently argued that none of the objections raised by the petitioner have been considered by the learned Court below and, therefore, on this sole ground, the order passed by the learned Judge is to be quashed and set aside.

8. On the other hand, the learned counsel representing respondents No. 1 to 3-decree holders has supported the order and vehemently argued that the order passed by the learned Court below does not require any interference since the Court has come to the conclusion that the calculations submitted by the decree holders are in accordance with law.

9. I have heard the learned counsel for the parties and also gone through the records carefully.

10. As per the order reproduced hereinabove, the learned Court below has neither cared to deal with the objections taken by the petitioner-judgment debtor No.3 nor the provisions of law that on what basis the calculations submitted by respondents No.1 to 3-decree holders, are in accordance with law. Therefore, without

commenting much on the order, the same is not sustainable in law and as such, is quashed and set aside.

11. Consequently, the present petition is allowed and the impugned order dated 12.03.2026 passed by the Additional District Judge-II, Shimla, H.P. in case, titled, ***Baldev Raj and others vs. State of H.P. and others*** is quashed and set aside and the matter is remanded back to the learned Court below to decide the objections afresh and pass a detailed order within a period of three months. The parties, through their learned counsel are directed to appear before the learned Court below on **25.11.2026.**

12. The petition is accordingly disposed of. No order as to costs. Pending application(s), if any, shall also stand disposed of.

28th October, 2026
(ankit)

(Jiya Lal Bhardwaj)
Judge