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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4255 OF 2017

SPECIAL LEAVE PETITION(C) NO. 12505 OF 2015

SAURABH KUMAR @ SORVE KUMAR (NOW MAJOR) AND ANR. PETITIONER(S)
VERSUS

STATE OF PUNJAB AND ORS. RESPONDENT(S)

O R D E R

Leave granted.

1. This appeal has been preferred with a delay of 1792 days. Delay condoned.

2. The only question agitated in this appeal is that the Reference Court has enhanced the compensation on reference being made under Section 18 of the Land Acquisition Act, 1894 alongwith interest @ 9% for the first year from the date of taking possession and thereafter @ 15% till realisation. The High Court by its impugned order has modified the judgment of the Reference Court and only awarded interest on solatium w.e.f. 19.9.1991 in view of the law laid down by a Constitution Bench of this Court in the case of [Sunder V. Union of India (2001) 7 SCC 2011].

3. In our considered view, High Court should not have interfered with the Award of the Reference Court awarding interest as stated above. It was not appropriate on the part of the High Court to confine interest on the solatium w.e.f. 19.9.2001. It is held in the case of Sunder (supra) that the landowner who is entitled to compensation is also entitled to receive interest on the aggregate amount including solatium.

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4. In the instant case, the Reference Court has awarded the compensation under Section 11 of the Land Acquisition Act, 1894. The High Court has erred in restricting w.e.f. 19.9.2001. It was a case of Award which was properly passed by the Reference Court. Thus, the High Court should not have confined the interest on solatium w.e.f. 19.9.2001. The Award passed by the Reference Court was in accordance with law, which has been wrongly interfered with by the High Court. The impugned order passed by the High Court is set aside to the aforesaid extent.

5. The appellant shall not be entitled to claiming interest for the aforesaid period of 1792 days, in filing of appeal in this Court.

6. The appeal is allowed to the aforesaid extent.

.....J.

(ARUN MISHRA)

.....J.

(AMITAVA ROY)

NEW DELHI;

MARCH 10, 2017

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ITEM NO.41

COURT NO.12

SECTION IVB

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12505/2015

(Arising out of impugned final judgment and order dated

02/02/2010 in RFA No. 1205/1997 passed by the High Court Of Punjab & Haryana At Chandigarh)

SAURABH KUMAR @ SORVE KUMAR (NOW MAJOR) AND ANR. Petitioner(s)

VERSUS

STATE OF PUNJAB AND ORS.

Respondent(s)

(With appln. (s) for c/delay in filing SLP and office report)

Date : 10/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Dr. Monika Gusain, Adv.
Mr. Alok Sangwan, AAG.
Mr. Manoj Swarup, Adv.
Mr. Ankit Swarup, Adv.
Ms. Tanya Swarup, Adv.
Mr. Mukul Kumar, Adv.

For Respondent(s) Mr. Sanchar Anand, AAG.
Mr. Apoorv Singhal, Adv.
Mr. Anant K. Vatsya, Adv.
Mr. Narsingh N. Rai, Adv.
Mr. Jagjit Singh Chhabra, Adv.

Mrs. Vanita Bhargava, Adv.
Mr. Ajay Bhargava, Adv.
Ms. Abhisar Bairagi, Adv.
M/s. Khaitan & Co., Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(B.Parvathi)

Court Master (Tapan Kr. Chakraborty)

Court Master

(Signed order is placed on the file)