

(2000) 07 SC CK 0091

In the Supreme Court Of India

Case No : Criminal Appeal No. 4244 of 2000 (Arising out of SLP (Criminal) No. 3208 of 2000)

State of Punjab and Another

APPELLANT

Vs

Gauri Shankar (Dead) through Lrs. and Others

RESPONDENT

Date of Decision : 26-07-2000

Acts Referred:

Land Acquisition Act, 1894 — Section 23(1A), 4(1)

Citation : (2000) 10 JT 35 : (2002) 9 SCC 684

Hon'ble Judges : R. P. Sethi, J;K. T. Thomas, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. In the calculation of the amount due , the decree holder has claimed Rs. 49,10,010/- as additional compensation envisaged u/s 23(1-A) of the Land Acquisition Act. This is questioned by the State as erroneous. The facts are not disputed that Notification u/s 4(1) was published on 17.3.1976 and possession of the land was taken on 25.3.1976 . The additional compensation envisaged in Section 23(1-A) cannot go a pie beyond what is mentioned therein. For that purpose we extract Section 23(1-A) hereunder:

In addition to the market value of the land, as above provided, the Court 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 u/s 4, Sub-section (1) ,in respect of such land to the date of the award of the collector or the date of taking possession of the land, whichever is earlier.

(Emphasis supplied)

3. According to the learned Counsel for the State, the additional amount can be calculated only for eight days which is the interval between the date of

notification and date of taking possession. We agree with the contentions of the State. The additional compensation has, therefore, to be worked out for seven days on the sum which is shown as the market value of the land acquired (Rs 68,13,150)

4. Interest at the rate of 9% has been calculated not only on the market value but on the solatium as well as additional compensation that has to be corrected by adding interest only on the market value.

5. In the light of the above clarification the parties can file statement in the execution court. At present we permit the claimant to calculate interest and or additional compensation only on the market value and not on the solatium . This is in view of the decision of this Court in Tehri Hydro Development Corpn. v. S.P. Singh . However, Mr. Anoop Chaudhary, learned senior Counsel for the claimants submits that question of interest on solatium and additional compensation has not been finally resolved in spite of the above decision and that question has been referred to a Constitution Bench, We make it clear that in case the Constitution Bench finally holds that a claimant shall be entitled to interest on solatium also, the claimant in this case will be entitled to move for amendment of the decree after pronouncement of the judgment by the Constitution Bench on that aspect. The present course is adopted without prejudice to the said right of the claimants.

6. With this modification the claimants entitlement to additional compensation and interest the appeal is disposed of. Parties can present amended statement of amounts in the execution court and work out the final amount due.