

Sita Devi Wd/O Mukand Lal

Vs

State of Haryana and Another

Civil Appeal No. 11932 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

07.12.1995

ORDER

1. Leave granted.

2. The award of the Collector under Section 11 is of the Land Acquisition Act, 1894 and is dated 26-11-1976. The award of the Reference Court under Section 26 is dated 10-1-1985. Therefore, the appellant is entitled to the payment of enhanced interest and solatium under Sections 28 and 23(2). The controversy raised in this matter is covered by the recent judgment of this Court in Prem Nath Kapur v. National Fertilizers Corpn. of India Ltd. ((1996) 2 SCC 71).

3. In order respects, the appellant is not entitled to adjust interest and solatium from the principal amount of compensation determined under Section 23(1) and deposited on the respective dates. He is also not entitled to interest on solatium. Equally, the appellant is not entitled to additional amount under Section 23(1-A) at 12 per cent per annum from the date of notification till date of award or of taking over possession, whichever is earlier. The appellant is entitled under Section 23(2) to solatium at 30 per cent on enhanced compensation. Equally, the appellant is entitled to interest at 9 per cent on enhanced compensation for one year from the date of taking possession of the land and 15 per cent thereafter till date of deposit into court.

4. Appeal is accordingly disposed of. No costs.