

SUPREME COURT OF INDIA

State of Punjab

Vs.

Gauri Shankar (Dead) Through Lrs.

(K.T. Thomas and R.P. Sethi JJ.)

26.07.2000

ORDER

1. Leave granted.

2. In the calculation of the amount due , the decree holder has claimed Rs. 49,10,010/- as additional compensation envisaged under Section 23(1-A) of the Land Acquisition Act. This is questioned by the State as erroneous. The facts are not disputed that Notification under Section 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 under Section 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 Corporation v. S.P. Singh and Ors.). 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.