

SUPREME COURT OF INDIA

Ravi Prakash Sharma

Vs.

State of U.P.& Ors.

C.A.No.9337 /2016

(Kurian Joseph and R.F.Nariman,JJ.,)

19.09.2016

JUDGMENT

Kurian Joseph,J.,

SLP.(Civil)No.34693/2012

1. Leave granted.
2. The appellant has moved this Court for enhancement of the compensation of the subject land which was at the rate of Rs.7,840/- per bigha with 30 per cent solatium and interest at the rate as awarded by the Reference Court.
3. As far as the claim for enhancement is concerned, we find that in similar cases, the value fixed and which has attained finality before this Court, is less than that is awarded to the appellant in the High Court. Therefore, the appellant is not entitled for any further enhancement of the land value.
4. The interest awarded by the Reference Court is at the rate of 12 per cent annum on the enhanced compensation. Under Section 28 of the Land Acquisition Act, 1894, appellant is entitled to interest at the rate of 9 per cent per annum on the enhanced compensation from the date of which the collector took possession of the land, for a period of one year, and thereafter, at the rate of 15 per cent per annum, till the date of payment/deposit the court.
5. The judgment in appeal is hence partly modified. The appellant shall be entitled to interest at the rate of 9 per cent per annum on the enhanced compensation, which includes 12 per cent per annum additional compensation and solatium, for a period of one year from the date of dispossession, and thereafter, at the rate of 15 per cent per annum till the date of payment/deposit in the Court.
6. The Civil Appeal is disposed of as above. There shall be no order as to costs.