TEHRI HYDRO DEVELOPMENT CORPORATION A

v.

SH. S.P. SINGH AND ORS.

NOVEMBER 26, 1996

[K. RAMASWAMY AND G.T. NANAVATI, JJ.] B

Land Acquisition Act, 1894 : Section 4(1) and 23(1-A)

Land acquisition—Compensation—Interest on solatium and one additional amount awarded under section 23(1-A)—No specific mention in the decree of High Court that claimants are entitled to said relief—Decree mentioned that claimants were entitled only to statutory benefits—Held, in these circumstances claimants were not entitled to interest on solatium and on additional amount awarded under Section 23(1-A) of the Act. C

Prem Nath Kapoor **v.** *National Fertilizer Corporation,* **[1996] 2 SCC 71, referred to.** D

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 15486 of 1996.

From the Judgment and Order dated 22.3.96 of the Allahabad High Court in F.A. No. 129 of 1995. E

Prem Prasad Juneja for the Appellants.

Niraj Sharma for the Respondents.

The following Order of the Court was delivered : F

Leave granted.

We have heard learned counsel on both sides.

This appeal by special leave arises from the judgment and order of the Division Bench of the High Court of Allahabad, made on March 22, 1996 in the First Appeal No. 129/95. This appeal and also the First Appeal No. 123/95 before the High Court are commonly disposed of since the acquisition was common. A notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the 'Act') was published on September G H

A 11, 1982 for acquiring 192.82 acres. The award came to be passed by the Land Acquisition Officer on March 3, 1984 in Award No. 44 in respect of 137.52 acres of the land and another award dated September 21, 1986 in award No. 44/1 in respect of 33 acres of land. On appeal, the Additional District Judge by his another award dated December 3, 1994 awarded a sum of Rs. 1,35,000 per acre. On appeal, the High Court has reduced the compensation to Rs. 1,12,500 per acre. it has also awarded separate compensation for the building, factory and machinery. Thus this appeal by special leave.

B

In this appeal, Shri Juneja, learned counsel for the appellant, has contended that in view of the judgment in the case of *Prem Nath Kapoor* v. *National Fertilizer Corporation,* [1996] 2 SCC 71 wherein it was held that the claimants are not entitled to solatium on additional amount awarded under Section 23(1A) of the Act, they are also not entitled to interest on solatium. The learned counsel for the respondent, in fairness, has stated that as per the decree of the High Court, there was no specific mention that the claimants are entitled to the above reliefs. It mentions only that the statutory benefits would be granted as per law. Under these circumstances, it is clarified that the claimants are not entitled to interest on solatium and on additional amount awarded under Section 23(1A) of the Act.

C

D

E

The appeal is accordingly allowed to the above extent. No costs.

T.N.A Appeal allowed.