A MIR FAZEELATH HUSSAIN AND ORS.

v.

SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION HYDERABAD

MAY 15, 1992

B

[N.M. KASLIWAL AND M.M. PUNCHHI, JJ.]

Land Acquisition Act, 1894/Land Acquisition (Amendment) Act, 1984:

C *Ss. 12, 18, 23, 28/18, 30—Land—Acquisition of—Award—Compensation—To be similar for similarly circumstanced lands.*

Awards by Collector and Reference Court—Given prior to 30.4.1982—Solatium—To be given at the rate of 15%—Interest—To be given at 6% from date of possession upto 23.9.1984.

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Rate of Interest after 24.9.1984—Matter referred to larger Bench.

High Court/Supreme Court—Appellate jurisdiction—Correction of award—Effect of.

E *Words and phrases :*

Expression "any such award" occurring in s. 30 (2) of Land Acquisition (Amendment) Act, 1984—Interpretation of.

Certain plots of land of the claimant-appellants were acquired under
F **the Land Acquisition Act, 1894. The Collector gave the award on 10.6.1968 and the reference Court on 30.8.1972. The claimants filed appeal before the High Court for enhancing the compensation. The entire land was categorised in 6 belts according to its quality and situation. The High Court allowed the compensation at different rates for each of the 6 belts.**

G **In the appeal by special leave to this Court it was contended on behalf of the claimant-appellants that the High Court committed an error in not awarding compensation for the entire land under acquisition at least at the rate of Rs. 1.75 per sq. yard as was awarded by it and affirmed by this Court in respect of land in Survey Nos. 1033 to 1035, because there**
H **was no distinction between the two lands which were acquired by one and**

the same notification. As regards the interest it was contended that in the event of this Court enhancing the compensation, the claimants were entitled to enhanced rate of interest on the enhanced amount of compensation with effect from the date of possession. A

On behalf of the respondent, it was contended that the award being given by the Collector on 10.6.1968 and by the reference Court on 30.8.1972 no benefit of the enhanced rate of interest introduced by the Land Acquisition (Amendment) Act, 1984 can be given to the claimants. B

Allowing the appeal in part and referring the matter to a larger Bench with regard to the interest, this Court, C

HELD : (by the Court) :

(i) For the land falling in the four belts i.e. 1, 2, 3 and 4 the compensation ought to have been awarded at the rate of Rs. 1.75 per sq. yard uniformly as they are similarly circumstanced as Survey Nos. 1033, 1034, and 1035. As regards the land falling in the fifth belt, reasonable compensation should be Rs. 2,000 per acre. As regards the land falling in sixth belt measuring 661 acres 4 guntas, it is proved on record that the area consists of hillocks and such the High court was correct in awarding the compensation at the rate of Rs. 500 per acre. [pp. 399 EF; 405 G] D E

(ii) The Land Acquisition (Amendment) Act, 1984 extends benefit of the enhanced solatium to cases where the award by the Collector or by the Court is made between April 30, 1982, and September 24, 1984 or to appeals against such awards decided by the High Court or the Supreme Court whether the decisions of the High Court or the Supreme Court are rendered before September 24, 1984 or after that date. [pp. 401 F; 405 GH] F

Union of India v. *Raghubir Singh*, [1989] 2 SCC 754, followed.

K. Kamalajammanniavaru v. *Special Land Acquisition Officer*, [1985] 1 SCC 582, referred to. G

Union Territory of Chandigarh [1985] 3 SCC 737 and *State of Punjab* v. *Mohinder Singh & Anr.*, [1986] 1 SCC 365, referred to as overruled.

(iii) Since the Collector gave the award on 10.6.1968 and the court (Chief Judge, City Civil Court) on 30.8.1972 the claimants/appellants are H

A entitled to solatium at the rate of 15 per cent only on the enhanced amount of compensation. [pp. 401H; 402A; 405GH 406A 407F]

(iv) The claimants would be entitled to interest at the rate of 6 per centum per annum up to 23.9.1984. [p.407 F]

B *Union of India* v. *Raghubir Singh* [1989] 2 SCC 754, followed.

(v) There being disagreement with regard to the rate of interest to be allowed at 6 or 9 per centum per annum from 24.9.1984 till the actual payment in the Court and also in respect of the direction that if such amount is not paid within three months from the date of the order, the C claimants would be entitled to interest at the rate of 6 per centum or 15 per centum per annum, the matter would be referred to a larger Bench. [pp. 407 F-H; 408A]

PER KASLIWAL, J.

D 1.1 The solatium is given on account of compulsory acquisition while the interest is awarded to compensate the delayed payment of the amount of compensation to which the claimant becomes entitled as soon as possession is taken from him till the entire amount is paid. The grant of solatium comes into operation on the date when award is given by the E Collector or the Court and the rate of solatium would be governed according to the rate prevailing on that date. But so far as payment of compensation is concerned, the grievance continues till the entire amount is paid to the claimant. [p. 404 C-E]

1.2 Harmonising the relevant provisions of the Land Acquisition Act, F keeping in view the intention of the legislature in enhancing the rate of interest under the Land Acquisition (Amendment) Act, 1984, and to do complete justice between the parties, the claimants would be entitled to interest on the enhanced amount of compensation at the rate of 6 per centum per annum from 24.6.1968 the date of taking possession up to G 23.9.1984 and at 9 per centum per annum from 24.9.1984 till the payment of such amount in the Court. [p.405 A-D]

1.3 As the provision of granting interest at the rate of 15 per centum per annum after the date of expiry of a period of one year from the date on which possession is taken cannot be applied in terms and the amount of compensa- H tion has been enhanced by this Court and the State had no opportunity to

make the payment earlier, it would be reasonable to allow three months time to the State to make the payment and on its failure to do so, the claimants would be entitled to interest at 15 per centum per annum, from the date of this order. [p.405 D-F]

PER PUNCHHI, J.

1.1 Right from 24.6.1968, the date of taking possession, till payment of such amount is made in Court, the claimant-appellants would be *entitled to* 6 per centum per annum as interest. Neither the claimant-appellants are entitled to 9 per centum per annum interest from 24.4.1984 till payment of such amount in Court nor is any time to be granted to the State to pay it within three months at the pain of being liable to pay interest at 15 per centum per annum after three months. [p.407 C-D]

1.2 The amended Section 28 of the Land Acquisition Act, 1894 cannot be interpreted to entitle the claimant-appellants 9 per centum interest in the first year and 15 per centum interest thereafter till payment in Court. The interpretation of the provision or its harmonizing cannot be so elastic or go to such length so as to violate its clear intendment in the drive to 'do complete justice' or to meet 'the ends of justice'. [p.406 A-B]

1.3 The expression "any such award" occurring in s.30(2) of the Land Acquisition (Amendment) Act, 1984 was interpreted by this Court* in the context to exclude the benefit of enhanced solatium at the appellate level of the High Court or the Supreme Court unless the appeal arose against an award of the Collector or of the Court of a District Judge rendered between April 30, 1982 and September 24, 1984. It can have no two meanings, one towards the award of interest and the other towards solatium. Whatever be the intrinsic quality of payment on account of solatium and contrastingly that of the interest payable, claims to both arise from the date of taking possession till the payment is made in Court. If the governing rate of solatium would be that as prevailing on the date of the award made by the Collector or the Court, a fortiorari the governing rate of interest would too be the one prevailing on the date of the award made by the Collector or the Reference Court. Inescapably the language of the statute and the spirit mandates so. [p.406 C-G]

****Union of India* v. *Raghubir Singh* [1989] 2 SCC 754, referred to.**

2. The High Court at its level and this Court as the last appellate, are courts of correction and in the exercise of the appellate jurisdiction

are empowered to correct the award of the District Judge, as if the decision made by it would have been the award of the District Judge.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 706 of 1975.

From the Judgment and Order dated 24.6.1974 of the Andhra Pradesh High court in C.C.C. Appeal No. 220 of 1972.

K. Madhava Reddy, S. Markandeya, G. Seshagiri Rao, K. Purushottam Reddy, K. Prakash Reddy, Ms. Renu Gupta and Ms. Chitra Markandeya for the Appellants.

C. Seetharamiah, T.V.S.N. Chari and Ms. Manjula Gupta for the Respondent.

The Judgments of the Court were delivered by

KASLIWAL, J. This appeal by grant of special leave is directed against the judgment of the Andhra Pradesh High Court dated 24.6.1974. The claimants have filed this appeal praying for raising the compensation of the acquired land at the rate of Rs. 5 per sq. yard. The High Court has granted compensation of the acquired land on a belt wise basis with reference to the distance from the Hyderabad Bombay Road in the following manner.

Survey Nos.1057, 1058, 1061, 1062 and 1065 (land abutting Hyderabad-Bombay Road making a total of 100 acres 4 guntas in the first belt, the compensation has been awarded at the rate of Rs. 5,000 per acre. As regards Survey Nos. 1056, 1059, 1060, 1063 & 1064, total extent of 96 acres 7 guntas in the second belt, compensation awarded at the rate of Rs. 4000 per acre. Survey Nos. 1055, 1052, 1051, 1046 and 1045 - total extent of 100 acres 9 guntas in third belt, compensation awarded at the rate of Rs. 3,000 per acre. Compensation for Survey Nos. 1044, 1047, 1050, 1053 & 1054, total extent of 99 acres 39 guntas, in the fourth belt has been allowed at the rate of Rs. 2,000 per acre. Compensation for Survey Nos. 1043, 1048 and 1049 to the extent of 47.03 acres in the fifth belt awarded at the rate of Rs. 1,000 per acre.

Lastly the land in the sixth belt forming a huge block of 661 acres 4 guntas comprising of Survey No. 1009, the High Court has awarded the

compensation at the rate of Rs 500 per acre as it was a hillock. A

It has been contended on behalf of the appellants that in respect of land in Survey Nos. 1033, 1034 and 1035 which was acquired by the same notification, the compensation was awarded by the High Court at the rate of Rs. 1.75 per sq. yard by decision dated 7.9.1973. It has been further submitted that the said judgment of the High Court was affirmed by this Hon'ble Court on 9.9.1974 by dismissing the special leave petitions numbers 1689-1690/70 filed by the State Government. It may be noted that in that case the High Court had affirmed the compensation awarded by the District Judge at the rate of Rs. 1.75 per sq. yard. It has been contended on behalf of the appellants that there is no distinction with regard to the land in dispute and the land comprised in Survey Nos. 1033, 1034 and 1035 and the High Court in the present case committed a mistake in not awarding compensation at least at the rate of Rs. 1.75 per sq. yard. We have taken into consideration the entire facts and circumstances of the case. In our view so far as the land comprising in Survey Nos. 1057, 1058, 1061, 1062 and 1065, 1056, 1059, 1060, 1063 and 1064, 1055, 1052, 1051, 1046 and 1045, 1044, 1047, 1050, 1053, and 1054 falling in the four belts i.e. 1, 2, 3 and 4 the compensation ought to have been awarded at the rate of Rs. 1.75 per sq. yard uniformly as they are similarly circumstanced as Survey Nos. 1033, 1034 and 1035. As regards the land – Survey Nos. 1043, 1048 and 1049 falling in the fifth belt, in our view reasonable compensation should be Rs.2,000 per acre. As regard the land – Survey No. 1009 falling in sixth belt measuring 661 acres 4 guntas, it is proved on record that the area consists of hillocks and as such the High Court was correct in awarding the compensation at the rate of Rs. 500 per acre and we do not find any valid reason to take a different view in respect of the compensation awarded for this land falling in the sixth belt. B C D E F

After reserving our judgment we thought it necessary to hear further arguments on the question of allowing solatium and interest under the provisions of the Land Acquisition (Amendment) Act, 1984 (hereinafter referred to as the 'Amendment Act, 1984'). Learned Counsel for the parties were heard at length. G

The following question of law was referred for decision to the Constitution Bench of this Court in *Union of India* v. *Raghubir Singh*, [1989] 2 SCC 754. H

A "Whether under the Land Acquisition Act, 1894 as amended by the Land Acquisition (Amendment) Act, 1984 the claimants are entitled to solatium at 30 per cent of the market value irrespective of the dates on which the acquisition proceedings were initiated or the dates on which the award has been passed?"

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The Constitution Bench in the above case held as under :

"The question is : What is the meaning of the words "or to any order passed by the High Court or Supreme Court on appeal against any such award?" Are they limited, as contended by the appellants, to appeals against an award of the Collector or the Court made between April 30, 1982 and September 24, 1984, or do they include also, as contended by the respondents, appeals disposed of between April 30, 1982 and September 24, 1984 even though arising out of awards of the Collector or the Court made before April 30, 1982. We are of the opinion that the interpretation placed by the appellants should be preferred over that suggested by the respondents. Parliament has identified the appeal before the High Court and the appeal before the Supreme Court by describing it as an appeal against 'any such award'. The submission on behalf of the respondents is that the words 'any such award' mean the award made by the Collector or Court, and carry no greater limiting sense; and that in this context, upon the language of Section 30(2), the order in appeal is an appellate order made between April 30, 1982 and September 24, 1984 – in which case the related award of the Collector or of the Court may have been made before April 30, 1982. To our mind, the words 'any such award' cannot bear the broad meaning suggested by learned counsel for the respondents. No such words of description by way of identifying the appellant order of the High Court or of the Supreme Court were necessary. Plainly, having regard to the existing hierarchical structure of fora contemplated in the parent Act those appellate orders could only be orders arising in appeal against the award of the Collector or of the Court. The words 'any such award' are intended to have deeper significance, and in the context in which those words appear in Section 30(2) it is clear

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that they are intended to refer to award made by the Collector or Court between April 30, 1982 and September 24, 1984. In other words Section 30(2) of the Amendment Act extends the benefit of the enhanced solatium to cases where the award by the Collector or by the Court is made between April 30, 1982 and September 24, 1984 or to appeals against such awards decided by the High Court and the Supreme Court whether the decisions of the High Court or the Supreme Court are rendered before September 24, 1984 or after that date. All that is material is that the award by the Collection or by the Court should have been between April 30, 1982 and September 24, 1984. We find ourselves in agreement with the conclusion reached by this Court in *K. Kamalajammanniavaru* v. *Special Land Acquisition Officer*, and find ourselves unable to agree with the view taken in *Bhag Singh* v. *Union Territory of Chandigarh*. The expanded meaning given to Section 30(2) in the latter case does not, in our opinion, flow reasonably from the language of that sub-section. It seems to us that the learned Judges in that case missed the significance of the word 'such' in the collocation 'any such award' in Section 30(2). Due significance must be attached to that word, and to our mind it must necessarily intend that the appeal to the High Court or the Supreme Court, in which the benefit of the enhanced solatium is to be given, must be confined to an appeal against an award of the Collector or of the Court rendered between April 30, 1982 and September 24, 1984."

Thus, it was clearly held in the above case that the Amendment Act, 1984 extends benefit of the enhanced solatium to cases where the award by the Collector or by the Court is made between April 30, 1982, and September 24, 1984 or to appeals against such awards decided by the High Court or the Supreme Court whether the decisions of the High Court or the Supreme Court are rendered before September 24, 1984 or after that date. The view taken in *Bhag Singh* v. *Union Territory of Chandigarh*, [1985] 3 SCC 737 as well as *State of Punjab* v. *Mohinder Singh & Anr.*, [1986] 1 SCC 365 was overruled and preferred the view taken in *K.Kamalajammanniavaru* v. *Special Land Acquisition Officer,* [1985] 1 SCC 582.

In the case in hand before us the Collector gave the award on

A 10.6.1968, the Court (Chief Judge, City Civil Court) gave the award on 30.8.1972, and the High Court decided the appeal on 24.6.1974. Thus the claimants/appellants are entitled to solatium at the rate of 15 per cent only on the enhanced amount of compensation.

B Now so far as the question of interest is concerned, Section 28 of the Amendment Act, 1984 provides for payment of interest on excess compensation. Section 28 as originally stood in the Act allowed interest at the rate of 6 per centum per annum from the date of taking possession of the land till the date of payment of excess amount into Court. The following amendment of Section 28 was inserted by Section 18 of the Amendment C Act, 1984:

> "18. Amendment of Section 28. – In Section 28 of the principal Act,
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> (a) for the words "six per centum", the words "nine per centum" D shall be substituted;
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> (b) the following proviso shall be inserted at the end, namely:– "Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court E after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry."

F Section 30 of the Amendment Act, 1984 provided for transitional provisions and sub-section (2) which dealt with Section 28 of the principle Act is reproduced as under :

> G "(2) The provisions of sub-section (2) of Section 23 and Section 28 of the principal Act, as amended by clause (b) of Section 15 and Section 18 of this Act respectively, shall apply, and shall be deemed to have applied, also to, and in relation to, any award made by the Collector or Court or to any other passed by the High Court or Supreme Court in appeal against any such H award under the provisions of the principal Act after the 30th

day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People] and before the commencement of this Act." A

It has been contended on behalf on the claimants/appellants that they are not claiming the enhanced rate of interest retrospectively, but they are claiming the enhanced rate of interest on the enhanced amount of compensation which is now allowed by this Court. Learned Counsel submits that transitional provisions contained in Section 30(2) of the Amendment Act, 1984 do not apply to the enhanced amount of compensation allowed for the first time by this Court. It has been submitted that the case *Union of India* v. *Raghubir Singh* (supra) decided by the Constitution Bench dealt with the question of solatium only and not with the question of interest on the enhanced amount of compensation. It has been further argued that once this Hon'ble Court decides that the claimants were entitled to enhanced compensation and the possession of the land having already been taken as back as on 24.6.1968, the claimants are entitled to enhanced rate of interest on the enhanced amount of compensation with effect from 24.6.1968. B C D

On the other hand, it has been contended on behalf of the respondent that the reasoning as given for the enhanced solatium by the Constitution Bench in the case of *Union of India* v. *Raghubir Singh* (supra) shall also apply to the case of enhanced rate of interest also. It has been submitted that legislature by introducing special provisions by the Amendment Act of 1984 for the benefit of the claimants, clearly laid down in Section 30 of the transitional provisions that such benefit would be available only in case of such awards made by the Collector or Court or to any order passed by the High Court or Supreme Court in appeal against any such award between the 30th day of April, 1982 and the commencement of the Act i.e. 24th September, 1984. It is, thus contended that in the present case the award was given on 10.6.1968 and the reference Court gave the award on 30.8.1972 as such no benefit of the enhanced rate of interest introduced by the Amendment Act of 1984 can be given to the claimants. E F G

I have given my thoughtful consideration to the arguments advanced by Learned Counsel for the parties. So far as the case *Union of India* v. *Raghubir Singh* (supra) decided by the Constitution Bench is concerned, it H

A dealt with the question of enhanced solatium only and the question of allowing enhanced rate of interest on the enhanced compensation was not considered nor decided in that case. However, the Constitution Bench was dealing with sub-section (2) of Section 30 of the transitional provisions of the Amendment Act, 1984 which dealt with the provisions of sub-section (2) of Section 23 and Section 28 of the principal Act as amended by clause B (b) of Section 15 and Section 18 of the Amendment Act, 1984. Sub-section (2) of Section 23 of the principal Act after amendment enhanced the amount of solatium from 15 to 30 per centum and the same reasoning will apply to the provisions of Section 28 which dealt with the provisions of enhanced rate of interest on the amount of enhanced compensation. How- C ever, there is a slight distinction in the case of award of solatium and the award of interest on the amount of compensation. The solatium is given on account of compulsory acquisition while the interest is awarded to compensate the delayed payment of the amount of compensation to which the claimants becomes entitled as soon as possession is taken from him till the D payment is made in the Court. Thus, so far as the grant of solatium for compulsory nature of the acquisition is concerned, it comes into operation on the date when award is given by the Collector or the Court and the rate of solatium would be governed according to the rate prevailing on the date of award made by the Collector or the Court. But so far as the payment of compensation is concerned, the grievance continues till the entire E amount is paid to the claimant. Now, if we consider the provisions of the Amendment Act, 1984 and the decision of the Constitution Bench in *Union of India* v. *Raghubir Singh* (supra), it becomes clear that the benefit of enhanced rate of interest under Section 28 cannot be given till the coming into force of the Amendment Act, 1984, i.e. 24th September, 1984. How- F ever, if we look to the statement of objects and reasons of the Land Acquisition (Amendment) Act, 1984 (Act No. 68) of 1984 it mentions that the individual and institutions who are unavoidably be deprived of their property rights in land need to be adequately compensated for the loss keeping in view the sacrifice they have to make for the larger interest of the community. The legislature by Amendment Act, 1984 which came into G force on 24th September, 1984 has clearly enhanced the rate of interest from 6 to 9 per centum and further given power to the Court that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, to allow interest at the rate of 15 centum per annum payable from the date of expiry

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of the said period of one year. Even if the provisions of the Amendment Act, 1984 are applied prospectively in respect of enhanced rate of interest, I find no ground or justification not to allow the rate of interest at 9 per cent per centum per annum on or after 24.9.1984.

Thus, hormonising these provisions and keeping in view the intention of the legislature in enhancing the rate of interest under the Amendment Act, 1984 and to do complete justice between the parties, I consider that the following direction would be proper to meet the ends of justice. The claimants in the present case are not entitled to enhanced solatium as the award by the Collector was given on 10.6.1968 and the award by the reference Court was also given on 30.8.1972 and will only be entitled to 15 per centum on the enhanced amount of compensation. This is in accordance with the ratio of the decision of the Constitution Bench in *Union of India* v. *Raghubir Singh* (supra). Now, so far as the rate of interest is concerned, the claimants would be entitled to interest on the enhanced amount of compensation at the rate of 6 per centum per annum from 24.6.1968 the date of taking possession up to 23.9.1984 and at 9 per centum per annum from 24.9.1984 till the payment of such amount in the Court. As the provision of granting interest at the rate of 15 per centum per annum after the date of expiry of a period of one year from the date on which possession is taken cannot be applied in terms and the amount of compensation has been enhanced now by this Court and the State had no opportunity to make the payment earlier, I deem it proper to grant reasonable time to the State after which it may be liable to pay interest at 15 per centum per annum. Thus, it is directed that if such amount is not paid within three months from the date of this order, the claimants would be entitled to interest at the rate of 15 per centum per annum on such amount from the date of this order.

I, therefore, allow the appeal in part and set aside the order of the High Court and grant the enhanced compensation to the appellants and interest as indicated above. In the circumstances of the case, both the parties shall bear their own costs throughout.

PUNCHHI, J. I have gone through the judgment prepared by my learned brother N.M. Kasliwal, J. I agree to the rate of compensation per acre to be awarded for the land acquired. I also agree that the claimants-appellants are entitled to a solatium at the rate of 15 per centum only on

A the enhanced amount of compensation and not 30 per centum as claimed. I differ, however, with respect, to the rate of interest proposed to be given to the claimants-respondents by my learned brother on the compensation being enhanced by us. The amended Section 28 cannot come to the aid of the claimants-appellants so as to entitle them 9 per centum interest in the
B first year and 15 per centum interest thereafter till payment in Court. The interpretation of the provision or its harmonizing cannot be so elastic or go to such length so as to violate its clear intendment in the drive to 'do complete justice' or to meet 'the ends of justice'. It is true though that the Constitution Bench in *Union of India* v. *Raghubir Singh*, [1989] 2 SCC 754 was only required to interpret the relevant provisions of the Land Acquisi-
C tion Act as amended in the year 1984 in regard to the rate of solatium but the expression "any such award" was interpreted in the context to exclude the benefit of enhanced solatium at the appellate level of the High Court or the Supreme Court unless the appeal arose against an award of the Collector or of the Court of a District Judge rendered between April 30,
D 1982 and September 24, 1984. Here instantly, neither the award of the Collector nor the award of that Court came within the two crucial dates. Rather the Reference was decided by the Court on 30th August, 1972 much before the amendment and the appeal before the High Court too was decided on 24.6.1974 much before the amendment. The High Court at its level and this Court as the last appellate, are courts of correction and in
E the exercise of the appellate jurisdiction are empowered to correct the award of the District Judge, as if the decision made by it would have been the award of the District Judge. The interpretation of the expression "any such award" can have no two meanings, one towards the award of interest and the other towards solatium. Whatever be the intrinsic quality of
F payment on account of solatium and contrastingly that of the interest payable, claims to both arise from the date of taking possession till the payment is made in Court. If the governing rate of solatium would be that as prevailing on the date of the award made by the Collector or the Court, a fortiorari the governing rate of interest would too be the one prevailing on the date of the award made by the Collector or the Reference Court.
G Inescapably the language of the statute and the spirit mandates so. The Amendment Act of 1984, with effect from September 24, 1984, has enhanced rate of interest from 6 per centum to 9 per centum and in the given situation at 15 per centum but only to those acquisitions which commence from that date and thereafter. The only exception is with regard to those

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acquisitions which stood initiated and were pending at the stages conceived of by the transitional provisions. I therefore regret my inability to agree with the views of my learned brother on this aspect. Agreeing with him on the rate of interest proposed would mean militating against the ratio of the Constitution Bench in *Raghubir Singh's* case (supra) and doing violence to the Statute. I would rather order grant of 6 per centum interest on the enhanced compensation to the claimants-appellants from the date of taking possession of the land acquired till payment, denying myself the exercise of 'harmonising' these provisions and refraining myself from discovering any hidden meaning when the language of the statute is clear and plain and has been interpreted in *Raghubir Singh's* case (supra). Therefore, I am of the view that right from 24-6-1968, the date of taking possession till payment of such amount is made in Court, the claimants-appellants are entitled to 6 per centum per annum as interest. Sequally it is my view that neither the claimants-appellants are entitled to 9 per centum per annum interest from 24-4-1984 till payment of such amount in Court nor is any time to be granted to the State to pay it within three months at the pain of being liable to pay interest at 15 per centum per annum after three months.

Therefore, I agree that the appeal be allowed in part and the Judgment and order of the High Court be set aside to that extent. The enhanced compensation be granted to the claimants-appellants with 15 per centum solatium and 6 per centum per annum interest as indicated above. I also agree that both the parties shall bear their own costs throughout.

In view of the separate judgments given by us and disagreement on one point, we pass the following order in the appeal.

The claimants-appellants would be entitled to enhanced compensation as well as 15% solatium on the total amount of compensation. As regards the interest we both agree that the claimants are entitled to interest at the rate of 6 per centum per annum up to 23.9.1984. However, we are in disagreement with regard to the rate of interest to be allowed at 6 or 9 per centum per annum from 24.9.1984 till the actual payment in the Court and also in respect of the direction that if such amount is not paid within three months from the date of this order, the claimants would be entitled to interest at the rate of 6 per centum or 15 per centum per annum.

We, therefore, allow this appeal in part and set aside the judgment of the High Court to the extent of points agreed. As regards the points in

A disagreement, we request the Hon'ble the Chief Justice to constitute a larger Bench to resolve the conflict. In view of the fact that the point in controversy though short one but is likely to affect large number of cases, we request the Hon'ble the Chief Justice to constitute a larger Bench at the earliest.

R.P. Appeal partly allowed.