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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LA.A. No. 193 of 2006

with

LA.A. Nos. 750/2008, 286/2006, 267-73/2006, 274-78/2006, 287-96/2006, 297-98/2006, 299/2006, 325/2006, 354/2006, 376/2006, 380/2006, 381/2006, 383-84/2006, 388/2006, 389/2006, 390/2006, 391-93/2006, 396/2006, 432/2006, 437-40/2006, 460/2006, 463/2006, 469-71/2006, 473-75/2006, 476-78/2006, 479/2006, 490-92/2006, 493-94/2006, 498-505/2006, 506/2006, 518-23/2006, 528/2006, 529-40/2006, 541-43/2006, 563/2006, 564/2006, 565/2006, 580-81/2006, 588-89/2006, 605/2006, 608-16/2006, 617/2006, 620/2006, 621/2006, 622/2006, 623/2006, 624/2006, 625/2006, 626/2006, 628/2006, 629//2006, 634/2006, 635/2006, 637-47/2006, 648/2006, 649/2006, 663/2006, 665-67/2006, 672-79/2006, 682/2006, 687/2006, 691-92/2006, 693-97/2006, 698/2006, 699/2006, 702/2006, 798/2006, 703-10/2006, 711/2006, 712/2006, 713/2006, 726/2006, 727/2006, 771/2006, 772/2006, 775/2006, 799-809/2006, 886/2006, 1/2007, 2/2007, 37/2007, 38/2007, 39/2007, 35/2007, 36/2007, 74/2007, 84/2007, 132/2007, 133/2007, 22/2007, 34/2007, 109/2007, 125/2007, 150/2007, 151/2007, 85/2007, 212/2007, 223/2007, 225/2007, 226/2007, 227/2007, 228/2007, 229/2007, 230/2007, 231/2007, 234/2007, 235/2007, 236/2007, 282/2007, 283/2007, 284/2007, 296/2007, 217/2007, 533/2008, 536/2008 and 538/2008

%

Reserved on : November 27, 2008

LA.A. Nos. 182, 194, 195, 197, 198, 264, 268, 282, 283, 284, 285, 312, 322, 323, 324, 355, 356, 357, 358-59, 360, 361, 362, 363, 371, 372, 373, 374, 375, 378, 382, 443, 444, 445, 587, 763 of 2006, 215, 218, 219, 221 and 237 of 2007

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Reserved on : December 04, 2008

LA.A. Nos. 274/2007, 275/2007, 276/2007, 286/2007

%

Reserved on : December 18, 2008
Pronounced on : December 19, 2008

Pratap Singh (dead) through LR.s. etc.etc.

... Appellants

through :

Mr. B.S. Maan with
Mr. Neeraj Chaudhary,
Mr. O.M. Prakash, Mr. Jai
Prakash, Mr. Hardeep Singh
Advocates for the appellant in
LA.A. No. 193/2006 & 750/2008.

LA.A. No. 193/2006 & batch nsk

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Ms. Savita Rustagi, Advocate
for the appellants in LA.A. Nos.
621, 622, 623, 624, 625, 626,
628, 629, 634, 698, 699, 702
798, 713, 771, 772, 212/2006.

Mr. Satpal Singh with Mr. R.B.
Singh, Advocates for the
appellants in LA.A. Nos. 528/06
529-40/06, 588-89/06.

Mr. Ankit Jain, Advocate for the
appellant in LAA Nos. 298-98/06,

Mr. S.S. Panwar, Advocate for the
appellant in LAA Nos. 354/06 &
376/2006.

Mr. I.S. Dahiya for the appellant
in LAA Nos. 634, 182, 194, 182,
194, 195, 197, 198, 264, 268,
282, 283, 284, 285, 312, 322,
323, 324, 355, 356, 357, 358-59,
360, 361, 362, 363, 371, 372,
373, 374, 375, 378, 382, 443,
444, 445, 587, 763 of 2006,
215, 218, 219, 221 and 237/2007.

Ms. Deepika, Advocate for the
appellant in LAA No. 235/2007.

VERSUS

Union of India & Ors.

through :

... Respondents

Mr. Sanjay Poddar, Advocate
for the LAC.

Mr. Gaurav Sarin with
Ms. Charul Sarin, Advocates
for the DDA.

Ms. Savita Rustagi, Advocate
for the respondent No.2 in
LA.A. Nos. 711, 712, 726, 727
and 775/2006.

CORAM :-

THE HON'BLE MR. JUSTICE A.K. SIKRI
THE HON'BLE MR. JUSTICE MANMOHAN SINGH

1. Whether Reporters of Local newspapers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the Judgment should be reported in the Digest?

Yes

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A.K. SIKRI, J.

1. All these appeals are filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the 'Act') challenging the market value of the acquired land fixed by the learned Addl. District Judge in the impugned award(s). The appeals which were heard on 26.11.2008 relate to the land situate in Village Estate of Tikri Kalan acquired by different awards. Some other appeals were thereafter subsequently reserved on 4.12.2008, which though belong to different village, namely, Ghevra, but the legal submissions made by the counsel for the parties while arguing Tikri Kalan cases were adopted in these appeals. Therefore, while reserving these appeals on 4.12.2008, following order was passed :-

"Learned counsel for the parties submit that the arguments in these cases are the same which have been advanced in appeals relating to Village Tikri. Additional submissions relevant to this case have been made by learned counsel for the parties. The judgment in those appeals pertaining to Village Tikri have already been reserved on 27th November, 2008. Since learned counsel for the parties are adopting the same arguments, judgment in these cases is also reserved to be pronounced along with those cases."

2. Subsequently, some other appeals were also heard on 18.12.2008 and parties agreed about the commonality of the issue in those appeals as well. It is because of this commonality that we are proposing to dispose of all these appeals by this common judgment.

3. We would first take up the matters relating to Village Tikri Kalan and the decision in respect of these appeals we form the basis for the appeals relating to other villages.

4. In respect of Tikri Kalan, various notifications have been issued from time to time acquiring different portions of land of that village. A glimpse of the details of the various notifications and the awards passed in those cases would be necessary before discussing the issues at hand.

5. Land of village Tikri Kalan was acquired by different awards in the following manner:-

S. No.	Award No.	Details of acquired land Bigha – Biswa	Date of Notification	Purpose	Shown as, with Colour
1	45/1982-83 Tikri Kalan, Delhi Dated 21.10.1982	39 – 03	1.10.1980	Construction of check barrier at Tikri Border on Delhi-Rohtak Road	
	Possession taken over on 24.4.1982 of land 39 bigha 03 biswas.				
2	91/1983-84 Tikri Kalan, Delhi Dated 14.2.1984	60 – 08	28.11.1981	Widening of Rohtak Road	
	Possession taken over on 28.7.1981 of land 60 bigha 08 biswas.				
3	2/1997-98 Tikri Kalan, Delhi Dated 23.7.1997	560 – 11	24.7.1995	Settlement of PVC dealers of Jawalapuri, under PDD. M.V. fixed @ Rs.168000/- pb	A
	Possession of 561 bigha 10 biswas land notified under Sec. 6 of the LA Act has been taken/handed over on 21.9.1995				
4	17/1997-98 Tikri Kalan, Delhi Dated 23.12.1997	502 – 06	16.11.1995	Settlement of PVC dealers of Jawalapuri, under PDD. M.V. fixed @ Rs.168000/- pb	
	Possession taken over on 30.1.1996 of land 502 bigha 06 biswas.				
5	18/1997-98 Tikri Kalan, Delhi Dated 23.12.1997	140 – 02	16.11.1995	Construction of 40 meter wide road for PVC Market under PDD. MV fixed @ Rs.168000/- pb	
	Possession taken over on 30.1.1996 of land 140 bigha 02 biswas.				

6 4/DCW/1998-99
Tikri Kalan, Delhi 84 - 11 11.6.1996
Dated 16.10.1998

For expansion of LPG
bottling plant Indian Oil
Corporation Ltd. under
PDD.
M.V. fixed @
Rs.168000/- pb

Possession taken over on 21.4.1997 of land 84 bigha 11
biswas.

7 3/DCW/1998-99
Tikri Kalan, Delhi 156 - 15 11.6.1996
Dated 16.10.1998

For setting up sports
school near Ghevra
More,
M.V. fixed @
Rs.208333/- pb

Possession taken over on 21.4.1997 of land 84 bigha 11 biswas

8 2/DCW/2004-05
Tikri Kalan, Delhi 480 - 14 17.12.2002
Dated 16.10.1998

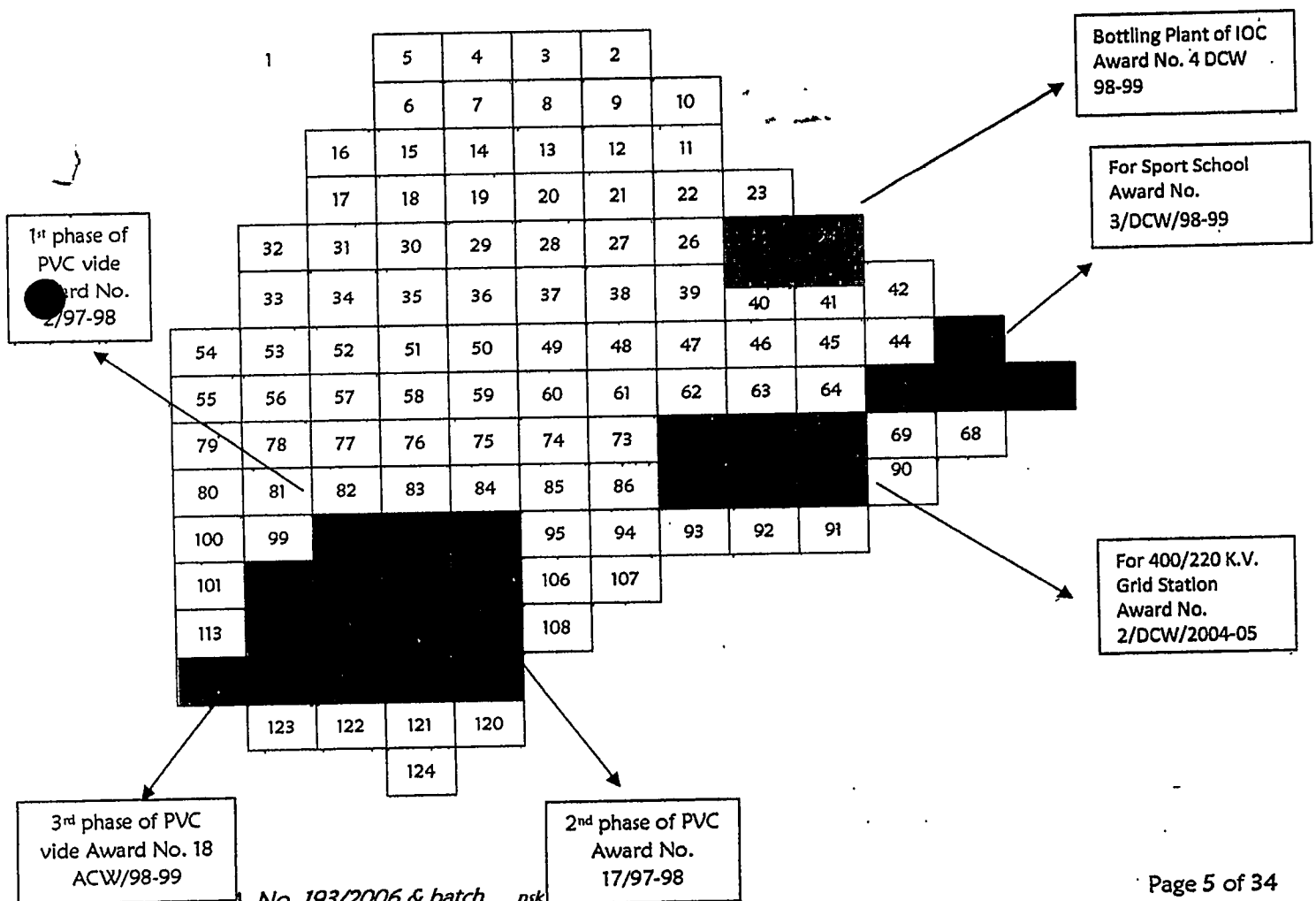
For K.V. Grid Sub Station
M.V. fixed @
Rs.3,27083.33/- p.b.

Possession taken over on 21.4.1997 of land 84 bigha 11 biswas

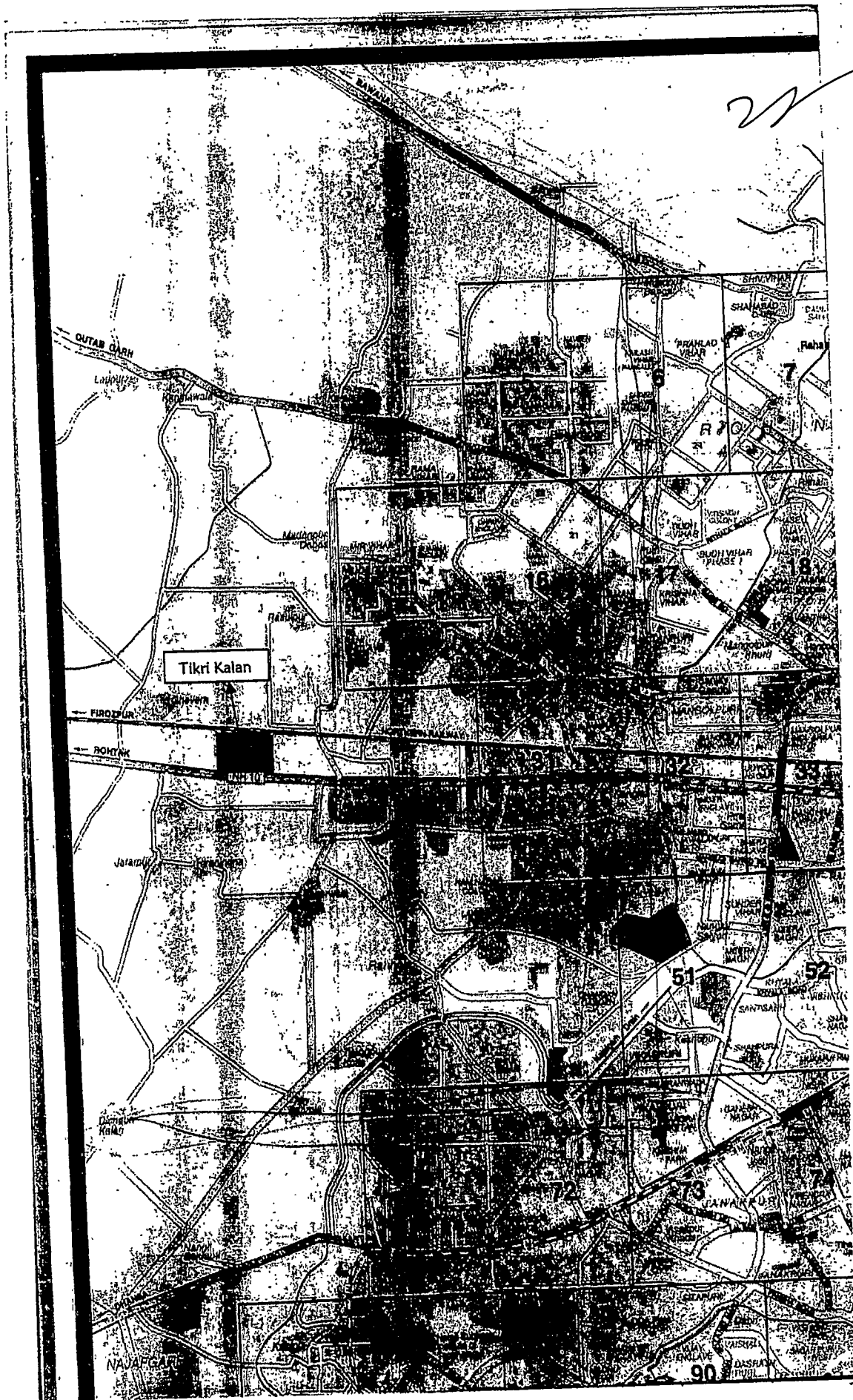
6. The AKS Sirza of village Tikri Kalan, Tehsil Punjabi Bagh, District West
Delhi is drawn below with the colours of different lands acquired
from time to time :-

AKS SIZRA OF VILLAGE TIKRI KALAN THE. PUNJABI BAGH, DISTT.
WEST ELHI, NO. HADBAST 120 YEAR 1980-81

COMMERCIAL ACTIVITIES, PETROL PUMP, TRANSPORT
CENTRE & SHOPPING COMPLEX



7. Here itself, in order to properly understand the exact location of the Village Tikri Kalan, we reproduce the portion of the City Map, as prepared by Eicher, over which there was no dispute :-



8. Since LA.A. No. 193/2006 is made the lead case, which deals with Notification dated 24.7.1995, we shall initiate our discussion on the basis of awards made by the Land Acquisition Collector (LAC) and the Addl. District Judge (ADJ) respectively in this case. It is also for the reason that being a lead case, arguments were addressed taking into consideration these awards as well as documents and evidence produced by the parties in this case before the learned ADJ.
9. The LAC, in his award No. 2/1997-98 dated 23.7.1997 divided the land in two blocks, namely, Block-A and Block-B and fixed the market value of the Block-A land at Rs.1,68,000/- and Block-B land at Rs.1,26,840/- per bigha. On this market value, he allowed solatium @ 30% p.a. under Section 23(2) and also gave additional amount @ 12% p.a. and interest as well under Section 34 of the Act. It is stated in the Award that while fixing the market value, he took into consideration the date of Notification under Section 4 of the Act as the relevant date and kept in mind several factors such as location of the land, nature of the soil, awards announced in the recent past of the same area or adjacent villages, pronouncements of different courts, claims filed by the interested persons and price policy of the Government regarding acquisition of agricultural land. After discussing these factors in brief, he ultimately made policy announcement of the Government dated 1.4.1997 as the basis of fixing the market value. Vide the said policy for the financial year 1997-98, which came into effect on 1.4.1997, the Government of

Delhi has fixed the indicative price of the agricultural land at Rs.10

lacs per acre. Since the notification is of an earlier date, i.e. 22.8.1995, going backwards, he made deduction from the said amount at Rs.11.5% p.a. on compounding basis and in this manner arrived at market value of Block-A land Rs.8.06,400/- per acre (or Rs.1,68,000/- per bigha). In respect of Block-B land, compensation at lesser rate is given for the reason that this land had *Gadhas & Bhattas* Grand and earth had been taken out for making bricks. The LAC, thus, opined that land owners had already got some compensation for their land by removing the earth from the land for making bricks and, therefore, the land had now become of inferior quality.

10. The learned ADJ, while answering the reference under Section 18 of the Act, has rejected the demand of the appellants for increase in the market value fixed by the LAC. As would be noted in detail at the relevant stage, after discussing the evidence and the material produced by both sides, he returned his findings holding that it was not advisable to fix the market value on the basis of the evidence produced by the land owners and appropriate course of action would be to fall back on the policy decision of the Government. Thus, he agreed with the exercise undertaken by the LAC and did not interfere with the price fixation made by the LAC.

11. According to the appellants, they deserve better and higher price for the land that what is fixed by the authorities below.

12. Mr. B.S. Maan, Advocate opened arguments in this appeal, which were adopted in other appeals filed by him. Mr. I.S. Dahiya, who appeared in LA.A. No. 634/2006 and some other appeals made additional submissions while adopting the arguments made by Mr. Maan. Mr. S.S. Panwar appeared for some of the appellants who are the owners of the land classified in Block-B and submitted that the differentiation made by the LAC and accepted by the learned ADJ was not proper and his clients were also entitled to the same compensation which would be admissible for the land owners of Block-A.

13. Following foundation was sought to be laid by Mr. Maan for claiming higher compensation :-

- (a) DDA itself had charged rate of Rs.1,02,56,600/- per acre for the acquired land while allotting this land to PVC Bazaar. His submission was that land in question was acquired for settlement of PVC dealers of Jawalapuri and before the possession of the land could be taken in the year 1997, allotment was made to various dealers in the year 1996 itself at the aforesaid rate. The appellants had produced allotment letter dated 26.9.1996 issued by the DDA in favour of one Shri Kirpal Singh, PVC dealer in Jawalapuri, which showed the allotment at the aforesaid rate. He submitted that even if half of the land was used for other purposes in the development of PVC market and adjustment thereof is to be given, the market value of the developed land would come to Rs.50 lacs per

acre. He had also submitted that the Supreme Court in various cases had held development charges can be deducted, which may range from 20% to 53% and even if in the instant case development charges are deducted at 33%. i.e. Rs.17 lacs, the market value of the land would be approximately Rs.33 lacs per acre (Rs.6 lacs per bigha). Therefore, his submission was that the compensation claimed by the land owners, who are asking enhancement by Rs.2 lacs per bigha only over and above Rs.1,68,000/- per bigha granted by the LAC and learned ADJ, was quite reasonable, was the submission.

- (b) He also sought to rely upon certain Sale Deeds. He submitted that five sale deeds were of the same area and same village and two sale deeds of two sale deeds were of the land belonging to the neighbouring village. His submission was that these sale deeds were proximate to the date of Section 4 Notification vide which the land was acquired; these were *bona fide* sale deeds; were also of the same village of which land was acquired or the nearby village. According to him, all the relevant considerations, which could be the basis for arriving at the market value, were fulfilled. He submitted that as per the law laid down by the Supreme Court, once sale deeds of the same village of proximate dates were available, those furnish the best evidence for fixing the market value. According to him, there was no reason to discard these sale deeds and the learned ADJ erred in ignoring these sale deeds only on the

ground that the land was purchased by a company, namely, Larsen & Toubro Ltd. (L&T) for the purpose of setting up Readymix Cement Concrete Plant, as against the land user bring agricultural.

He also submitted that these sale deeds may pertain to small area but what was to be kept in mind was that majority of the land owners owned less than 1000 sq.yds. in the said village, which was clear from the award of the LAC as well wherein particulars of various land owners, along with measurement of the land belonging to them, were given.

He further submitted that sale deeds produced by the respondent had to be ignored as the consideration depicted in those sale deeds were even lower than the market value indicated in the Government Policy, which would clearly demonstrate that those sale deeds were of suppressed value.

- (c) He submitted that the appellants had given sufficient evidence showing development of the said area and potentiality of the land. He pointed out that though the land in question was acquired in the year 1995, for which Notification under Section 4 of the Act was issued on 24.7.1995, first acquisition took place way back in the year 1980 when the land was acquired for construction of Check Barrier at Tikri border. Therefore, vide Award No. 91/1983-84 dated 14.2.1984, 60 bigha 8 biswas land was acquired, for which Section 4 Notification was issued on 28.11.1981. The public purpose stated therein was

'Widening of Rohtak Road'. According to him, therefore, development in the said area had started at that time and the potentiality of the land could not be undermined. He referred to the evidence of one of the appellant, namely, Shri Tej Pal (LR of Shri Pratap Singh (deceased)) wherein he had stated in his affidavit as under :-

“4. That, the land of the village Tikri Kalan, Delhi has got potentiality of the building site, as the level of acquired land is as good as provided, for residential colonies, set up by the DDA. However, it is stated that the land of the petitioner was acquired for setting up of the PVC market of Jawalapuri, devastated by the broken fire.

xx xx xx

7. That National High Way No. 10, from Delhi to Firozpur, passes only 1/2 K.M. away from acquired land, which was come in existence before independence. This road is also used for transporting the raw and ready material from the acquired land by the occupant of the PVC market.

xx xx xx

11. That, Industrial area know as M.E.I Phase I & II on the border Town, Bahadurgah, Haryana were developed by the Haryana Govt. in year 1977-78, which are adjacent to the acquired land. Which is full-fledged township and North India's famous grain Mandi, at Bahadurgah is next to village Tikri Kalan, on its western side. It is also stated that HUDA has developed 10-12, residential sector, in the Bahadurgarh, where the market value of the land in the year 1995 was @ Rs.3,000/- to Rs.4,000/- per sq.yards.”

In this affidavit, other development which has tak en place in the neighbouring area is also mentioned.

14. On the basis of the aforesaid material and evidence, Mr. Maan pleaded that the prayer for enhancement of compensation by Rs.2 lacs per bigha was reasonable and should be allowed. He also referred to the following judgments in support of his contentions :-

- (a) ***Ram Kishan (deceased by LRs) v. Union of India***
AIR 2004 Delhi 270

“4. We have gone through the Supreme Court decisions in the above referred case and in our opinion the reliance of the learned Additional District Judge on these judgments was wholly misplaced because in the case in hand, there is neither any plea nor it has been shown that the land which was transferred by means of the sale deed which formed the basis of the impugned judgment, was a developed piece of land or was in any other way in an advantageous position than the acquired land. In support of his contention that cut of 20% towards development charges is justified, Mr. Sanjay Poddar has heavily relied upon a recent decision of the Supreme Court in the case of *Kasturi and Ors. v. State of Haryana*, (2003) 1 SCC 354 : (AIR 2003 SC 202). On the facts and circumstances of that case, the Court held that in respect of the agricultural land or undeveloped land which has potential value for housing or commercial purposes, normally 1/3rd amount of compensation is deducted out of the amount of compensation payable for the acquired land subject to certain variations depending on its nature, location, extent of expenditure involved for development and the area required for roads and other civic amenities to develop the land so as to make the plots for residential or commercial purposes. In that case, though the land of the claimants was undeveloped but it was specifically pleaded that the area adjoining his land was a developed area and claimed the price of his land at par with the developed land. It was in these facts and circumstances that the Court took the view that a cut of 20% as compared to the price of developed land was justified. In our view, this authority cannot govern the facts of the present case as here the appellants-claimants are not claiming price of their land at par with the developed land. Infact, their claim was restricted to the extent of same kind of land, i.e. agricultural land which was sold about a year before the notification under Section 4 of the Act was issued. Thus, in our considered view, the learned Reference Court fell into error by making a deduction of 20% from the average price of Rs.32,400/- per bigha as established from the sale deed. However, having regard to the fact that the area of acquired land is quite large as compared to the area of the land which was the subject matter of the sale deed dated 14th May, 1986, (Ex.P-2), we are prepared to allow a deduction of 10% from the average value of Rs.32,400/- because a smaller chunk of land was bound to fetch higher price than a large chunk of land. Therefore, on consideration of the totality of the facts and circumstances of this case we hold that the average market price of similar type of land would come to Rs.29,160/- per bigha in the month of May, 1986.”

- (b) ***Thakarsibhai Devjibhai & Ors. v. Executive Engineer & Anr.***
AIR 2001 SC 2424

“12. As we have said above the High Court fell into error by reducing the quantum of compensation on this basis. The reduction has been made for two reasons, one that the present acquisition is of larger area and the second the distance between the land under

acquisition and Ex. 16 is about 5 kms. With reference to question of acquisition being of a larger area, the error is, when we scan we find for the acquisition of each land owner, It could not be said that the acquisition is of a large area. Largeness is merely when each land holders land is clubbed together then the area becomes large. Each landowners holdings are of small area. Even otherwise visioning in the line with submission for the State we find Ex. 16 is about two hectares of land which cannot be said to be of small piece of land. So far the other question of distance between the two classes of lands, that by itself cannot derogate the claim of the claimant unless there are some such other materials to show that quality and potentiality of such land is inferior. However, distance between the land under Ex. 16 and the present land even if they are 5 kms. apart would not be relevant, the relevancy could be, their distances from the Viramgam town. We find, as per map produced by the State the present acquired land is about 3 kms. away from it, while the land under Ex. 16 is about two kilometers away from it. This difference is not such to lead to reduce the rate of compensation, specially on the facts of this case. In the present case, as we have recorded above, it has been found that the quality including potentiality of land between Exh. 16 and the present one are similar. No evidence has been led on behalf of the State to find difference between the two. In view of this, the inference drawn by the High Court for reducing the compensation by Rs. 10/- per sq. mtr. cannot be sustained."

(c) *Risal Singh & Ors. v. Union of India & Anr.*,
2006 (89) DRJ 527 (DB)

"16. Learned counsel appearing for the respondents claims that Ex.PW1/2 was not the true index of the market value of the land at the time of issuance of the notification. According to him, the court should rely upon Ex.R2 to R5 and there is no justification for interfering with the judgment of the reference court. In support of this contention he relied upon Ex.R1, the Award of the Collector in relation to the acquired land wherein a sale instance was referred to at item No. 22 of Ex.R1 wherein the vendor had sold 3.15 bighas of land for a sale consideration of Rs.1,70,000/- on 29th July, 1986 by a registered sale deed. Reference was also made to the other sale instances recorded in the reference. It was further urged on behalf of the respondents that deduction, if not 1/3rd, at least of 20 per cent should be made towards development charges before determining the amount of compensation payable to the claimants. In this regard he relied upon the judgments of the Supreme Court in the case of *Kasturi and others v. State of Haryana* (2003) 1 SCC 354 and *ChimanLal Hargovinddas v. Special Land Acquisition Officer, Poona and anr.* (1988) 2 SCC 751. As far as Ex.R2 to R5 are concerned they cannot be looked into by this court as the value per bigha indicated under those sale deeds though relating to the same village are even much below than the award made by the collector. Vide Ex.R2, the land measuring amount 4 bighas 16 biswas from the revenue estate of village Bamnoli was sold for a sum of Rs.37,000/- thus giving a value of less than Rs.9,000/- per bigha. To this extent, the submission of the respondents cannot be accepted."

- (d) *The Land Acquisition Officer Revenue Divisional Officer Nalgonda (A.P.) v. Morisetty Satyanarayana & Ors.*,
2002 (1) LACC (Vol. 24) 1

"8. It is true that normally while fixing the market price of the land under acquisition, when the sale instances are for small piece of land then appropriate reduction is required to be made while fixing the market price of land under acquisition. However, in the present case, the land which is acquired is out of the same survey number. Various sale-deeds produced on record reflect the increase in price of the portions of land of the same survey number. Other evidence on record indicates that in the village there is increase in market price of land during the relevant years. Therefore, considering the increasing trend of the market price and the fact that small pieces of land owned by different persons are acquired, this would not be a fit case for reducing the amount on the ground that relevant sale deeds is for a small piece of land."

- (e) *Rameshwar Solanki v. Union of India*,
AIR 1995 Delhi 358

(33) In answer to this contention, counsel for the appellant has referred to the judgment of the Supreme Court, reported as 1991 Land Acquisition Laws 318 (Bhagwatmla Samanna v. Special Talhsildar mid Land Acquisition Officer), wherein Justice Fatima Bibi, speaking for the Court, stated:

"The proposition that large area of land cannot possibly fetch a price at the same rate which the small plots are sold, is not absolute proposition, and in given circumstances it would be permissible to take into account the price fetched by small plots of land. The land in the said case was found to be "even level and fit for construction" without the necessity for levelling or reclamation. The High Court had itself concluded on the evidence that the land covered by acquisition, are located by the side of the National Highway and the southern railway staff quarters with the Town Planning Trust road on the north. The neighbouring areas are already developed ones and houses have been constructed, and the land has potential value for being used as building sites. Having found that the land is to be valued only as a building site and stated the advantageous position in which the land in question lies though forming part of the larger area, the High Court should not have applied the principles of deduction. It is not in every case that such a deduction is to be allowed. Where the acquired land is in the midst of already developed land with amenities of roads, electricity etc. the deduction in the value of comparable land is not warranted".

The proposition that large area of land cannot possibly fetch a price at the same rate at which small plots are sold is not absolute proposition and in given circumstances it would be permissible to take into account the price fetched by the small plots of land. If the larger tract of land because of advantageous position is capable of being used for the purpose for which the smaller plots are used and

is also situated in a developed area with little or no requirement of further development, the principle of deduction of the value for purpose of comparison is not warranted".

15. Mr. I.S. Dahiya made the following additional submissions :

As per Ex.PW2/1, 44 sq.mt. of land was allotted @ Rs.2535/- per sq.mt. + damages. Further, as per the statement of PW-3, 1306 allottees at Tikri Kalan had already sold out the plots @ Rs.3480/- per sq.mt. even before the possession was taken. He also referred to certain sale deeds which were of 1 bigha and 3 biswas and the sale consideration was Rs.3,02,400/- per bigha. He referred to the evidence of PW-5, 12, 14 & 15 regarding the nature of land, which is on the same lines as the evidence of the appellants in LA.A. No. 193/2006 already extracted above. Referring to Ex.P-1, he submitted that development of village Ghevra, which was an adjacent village, had started long back, which fact was also to be taken into consideration depicting potentiality of the land. He also pointed out that neighbouring land on the other side of Delhi, i.e. in Haryana, had developed which was also a valid consideration in view of the judgment of the Supreme Court in the case of *Mehtab Singh & Ors. etc. etc. v. State of Haryana*, AIR 1995 SC 667.

16. The submissions of the learned counsel for the appellants were countered by Mr. Gaurav Sarin and Mr. Sanjay Poddar, learned counsel appearing for the DDA and LAC respectively. Mr. Sarin referred to the provisions of Section 24 of the Act which stipulates those matters that are to be excluded in determining compensation.

Clause *eighth* of this section was specifically relied upon, as per which

any increase to the value of land on account of its being put to any use, which is forbidden by law or opposed to public policy, is not to be taken into consideration. On this basis, he submitted that sale deeds produced by the appellants for sale of land in favour of L&T would be totally irrelevant and extraneous as the official of L&T who appeared as a witness had admitted that the land in question was purchased for commercial purpose. Such a use was not permitted as the land in question is meant only for agricultural purpose. As there was no notification under Section 507 of the Delhi Municipal Corporation Act, 1957 for urbanization of the area in question, it remained rural area. In view thereof, provisions of the Delhi Land Reforms Act, 1954 apply to this area and, therefore, the learned ADJ has rightly answered Issue No.1 against the appellants and holding that area in question was agricultural and keeping in view this aspect in mind the market value of the land was to be fixed. Under the Delhi Land Reforms Act, 1954, rights are conferred upon the *Bhoomidars* coupled with the duty to cultivate and in view of this restriction on the use of the land, such a *bhoomidar* would be entitled to the market value which the land used for agricultural purpose would fetch.

17. In these circumstances, submission of Mr. Gaurav Sarin was that the relevant consideration was to see as to what was the usage permissible, which was agriculture in the instant case. He also submitted that use and development of the neighbouring land could not be taken into consideration. He further submitted that sale

deeds in favour of L&T were not genuine and, in any case, not comparable with other land in view of the law laid down by the Supreme Court in the case of *Kanta Devi & Ors. v. State of Haryana & Anr.*, VII (2008) SLT 499 to the following effect :-

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"21. It was submitted on behalf of the State-respondent that the observations made in the *Lucknow Development Authority* case was more by way of caution than laying down the general law which finds consistent expression in various other decisions of this Court, such as *Union of India v. Ram Phool and Another*, (2003) 10 SCC 167 in which it has been held that an isolated deed of sale showing a very high price cannot be the sole basis for determining the market value.

xx xx xx

25. It was also submitted that in the instant case excluding all the other exemplars, the High Court had chosen to rely on Ex.P6, where a small tract of land (148 sq.yards) had been sold at the rate of Rs.9,60,000 per acre and the compensation had been worked out on such basis after applying deduction of 70% of the market value towards developmental charges, since the lands acquired were agricultural and huge investment was required to be made by the State to make the same suitable for the purpose for which they had been acquired, namely, the setting up of a new grain market with all the ancillary infrastructure needed by the Market Committee, Ismailabad.

xx xx xx

29. Having carefully considered the submissions made on behalf of the respective parties we see no reason to interfere with the decision of the High Court.

30. The learned Single Judge of the High Court has taken into consideration the nature of the land sought to be acquired in relying on Ex.P6 in assessing the market value thereof and has applied a deduction of 70% in arriving at the compensation to be awarded to the claimants in respect of the said lands. The various other documents which were produced on behalf of the claimants were in respect of the lands which were similar to the lands forming the subject matter of Ex.P.6. The learned Single Judge has given reasons for not relying on all the other exemplars in choosing to rely on Ex.P.6 alone. But the rate of deduction applied appears to be on the high side in relation to the developmental work involved in making the acquired lands suitable for the purposes for which they were so acquired. The acquired lands are adjacent to the village *abadi* which is already developed. Having regard to the consistent view that a deduction of 1/3rd of the market value is

normal, though a higher deduction is permissible, we are of the view that deduction of 60% would meet the expenditure towards developmental charges considering the proximity of the acquired lands to the areas already developed." 4/

18. Attempt on the part of Mr. Poddar was to show that area in question was not developed at all, which was far away from the habitation and on Delhi-Haryana border. He also referred to the judgment of this Court in the case of *Ranjit Singh v. Union of India*, 48 (1992) DLT 138. That was a case concerning acquisition of land in village Ghewra which was acquired vide Notification dated 18.3.1985 issued under Section 4 of the Act. This Court had fixed the market value at Rs.26,775/- per bigha. He submitted that if increase @ 12% p.a. is added, then the market value of the land in question would be approximately Rs.90,000/- per bigha. Learned counsel also submitted that for various reasons sale deeds on which reliance was placed by the appellants could not be taken into consideration. Other judgments on which reliance is placed are as under :-

- (a) *Union of India & Anr. v. Ram Phool & Anr.*,
(2003) 10 SCC 167
- (b) *Union of India v. Pramod Gupta (dead) by LRs & Ors.*
(2005) 12 SCC 1
- (c) *Sankaranarayanan Potti (Dead) By L.R.S v. K. Sreedevi & Ors.*
(1988) 3 SCC 751
- (d) *Chimanlal Hargovinddas v. Special Land Acquisition Officer, Poona and Anr.*
AIR 1988 SC 1652

19. We have considered the aforesaid submissions and have gone through the records and perused the judgments cited by counsel for either side.

20. In a case like this, the first and foremost issue would be to determine the nature of land acquired in respect of which even the learned ADJ had framed Issue No.1 in the following manner :-

“Whether the Delhi Land Reforms Act is applicable to the land in dispute and if so, to what effect?”

21. We may note that the learned ADJ has held that though the Delhi Land Reforms Act is applicable, but it did not have any adverse effect on the market value of the land. The appellants did not challenge the finding regarding applicability of the Delhi Land Reforms Act. Though respondents tried to take mileage from this finding and submitted that in such a circumstance it is to be taken into consideration that land in question was used for agricultural purposes and the rights of the land owners/cultivators as *bhoomidars* only were available to them. To this extent there is a finding of the learned ADJ in the impugned judgment holding that the Delhi Land Reforms Act was applicable and the land could not be used for purposes other than agriculture. We reproduce the following observation of the learned ADJ in this behalf as contained in the impugned judgment :-

“In the light of the evidence led on record it may be observed that village Tikrikalan is on border of Delhi and is bearing Bahadurgarh (Haryana) on its Western Boundary. The land is predominantly agricultural. The evidence led by the petitioner reveals that developmental activity had also commenced in the area of village Ghewara. Some development activity had also commenced in village Tikrikalan as land was acquired for purpose of construction of check barrier and the land had also been acquired for widening of road as per Ex.P2 and Ex.P4. However the acquired land in village Tikri kalan could not be used for purposes other than agricultural under the DLR Act and no other commercial activity had commenced on the land in village Tikrikalan except that it had been acquired for purpose of resettlement of PVC market.”

22. Since the applicability of the Delhi Land Reforms Act could not be questioned by the appellants, we find ourselves in agreement with the aforesaid view taken by the learned ADJ. The land in question was in rural area and there is no notification under Section 507 of the Delhi Municipal Corporation Act declaring it as urbanized area. Therefore, the purpose for which the land could be used remained agricultural. 43

23. Coming to the potentiality of the land, no doubt the same evidence is led by the appellants showing the development activity which had commenced in village Ghevra and part of the land acquired from this very village, namely, Tikri Kalan, on an earlier occasion used for the purpose of construction of Check Barrier and widening of road. That may only indicate that the area in question could also be put to some other use than agricultural in future. However, in the absence of any notification under Section 507 of the Delhi Municipal Corporation Act till the acquisition of land, it is to be borne in mind that even as on the date of acquisition of land it remained agricultural land. The potentiality of the land means the use to which the land can be put to in the near future. While determining the potentiality, the relevant factors which are to be taken into consideration are: whether the area is urbanized, the suitability of the acquired land for being used as building sites, availability of water and electric supply, accessibility of land by way of roads and pathways. It has come on record that the land was being continuously used as agricultural land even on the date of acquisition. It had remained so but for the

acquisition of the land and the land is acquired for the purpose of resettlement of PVC Market. No doubt, the land would be used for agricultural purpose after acquisition as it is being allotted to the PVC dealers who would put it to commercial use. However, before it is put to commercial use, it would be necessary for the Government authorities to change the land user. Section 24 of the Act specifically puts an embargo on the Court not to take into consideration factors mentioned therein which are to be '*included in determining compensation*'. Clause *fifth* thereof would be relevant in the present context, which reads as under :-

"*fifthly*, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired."

24. Therefore, when the land in question was used for agricultural purpose, merely because it is likely to be used for commercial purpose would not be a relevant consideration in fixing the market value. This was so held by this Court in *Kehar Singh (deceased) v. Union of India*, 2005 V AD (Delhi) 31 while making the following comments :-

"It is also required to be noted that the lands situated far away from the municipal limits and possibility of imposition of statutory restrictions to develop the lands for building purposes are relevant circumstances in determining the market value of the land. The Court must bear in mind that where an agricultural land is acquired which is not ordinarily put to use other than agricultural or if it is required to be put to other use some permission is required to be taken or conversion charges are required to be paid. Such various other aspects are required to be borne in mind by the court."

25. To the same effect is the judgment of the Supreme Court in the case of *Land Acquisition Officer, Hyderabad & Ors. v. Male Pullamma &*

Ors., (1996) 8 SCC 247 and *Tarlochan Singh & Anr. v. State of Punjab*, (1995) 2 SCC 424. Therefore, the learned ADJ rightly commented that value of the land cannot be determined considering the purpose for which the acquisition was made. 45

26. In the beginning of this judgment, we have shown the location of the area acquired, including with reference to the Eicher Map. This area falls beyond the railway track on the other side wherein there is no developmental activity. The entire area was agricultural area and was to put to the same use. The other factors which appellants want us to take into consideration have to be ignored in view of the specific prohibition contained in Section 24 of the Act. Therefore, further discussion in this case has to proceed keeping in view the aforesaid settled factual position.
27. With this we proceed to discuss the evidence produced, on the basis of which the appellants seek enhancement in the market value. The evidence is in two forms, namely, certain sale deeds and the rates at which the land is allotted by the DDA to the PVC dealers and other bodies. We may first deal with the pre-determined rates fixed by the DDA at which lands are allotted to the PVC dealers.
28. After the acquisition of the land, it had to be developed. While developing the land much area is to be left out for other services, including roads, parks, other facilities etc. That apart, after the development of the land in the manner that it is used as PVC market, the plots were to be sold to the PVC dealers. Thus, the land in

question which was used for agricultural purpose after acquisition, it was to be put to commercial use. When the land is developed in this manner by changing the user from agricultural to commercial and on that basis rates are fixed by the DDA, to our mind that cannot be the consideration for fixing the market value. Doing so would be contrary to clause *fifth* of Section 24 of the Act. 46

29. That apart, no evidence is led showing disposal cost, lay out of PVC market, percentage of land auctioned, where the portion of the land is located which is allotted to the dealers as well as cost of development. In the absence of such evidence produced on record, it is difficult to make particular deductions from the pre-determined rates and come to a particular figure. In our opinion the learned ADJ, in these circumstances, has rightly discarded the proposed rates on which allotments were sought to be made by the DDA in the following manner :-

"The evidence of record shows that the acquired land was agricultural land. Obviously, the valuation would differ to a considerable extent from the land used for commercial sites. In such a case, necessary deductions for the extent of land acquired for the formation of roads and other civic amenities, expenses of development of the sites by laying out roads, drains, sewers, water and electricity lines, and the interest on the outlays for the period of deferment of the realization of the price, the profits on the venture etc. are to be made. Further the profit if any earned by the developing authority is also to be taken into account prior to allotment of said land in small plots after development. The amount spent by the developing authority and profit margin if any has not been brought on record. No evidence has been led on record to show the expenses incurred after the development by the acquiring authority and other factors involved for calculation. As such the proposed rates for allotment of plots as per Ex.PW3/1 cannot be applicable for calculation of market value. Also the rate of land notified by DDA for developed lands cannot be automatically made applicable to the assessment of

agricultural land as considerable amount is spent for development."

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30. This leads to the next question, namely, sale deeds which are produced by the appellants. It was contended that five sale deeds of the same village and two of the neighbouring village, which sales were of dates proximate to the date on which the land was acquired and they were *bona fide* in nature and, therefore, should have been made the basis for fixing market value. It was also contended, as noted above, that sale deeds produced by the respondents were of depressed value, as was clear from the fact that the consideration shown therein was much lesser in value than the one fixed by the Government in its policy which is made the basis of fixing the market value of the land by the respondent.
31. Contention of the appellants *qua* the sale deeds produced by the respondents appears to be correct. When the Government itself had fixed the price of land at Rs.10 lacs per acre as on 13.4.1997 on the basis of which the LAC determined the value of the land at Rs.8,06,400/- per acre as on the date of Notification under Section 4 of the Act (corresponding to Rs.1,68,000/- per bigha), the rates mentioned in sale deeds Ex.R-3 to R-7, which show much lesser consideration, do not inspire any confidence. One can reasonably infer therefrom that the rates shown in these sale deeds are of depressed value and not of the actual consideration which was exchanged between the parties to such sales (See - *Thakarsibhai Devjibhai* (supra)).

32. As against that, most of the sale deeds produced by the appellants, except one, are those whereby L&T had purchased the land in question. We may mention that L&T is a limited company and actual sale consideration paid by it would reflect in the sale deeds. It would not pay part consideration in cash not depicting the same in the sale deed. This becomes clear from the comparison of the sale deeds executed in favour of the L&T on the one hand and Ex.R-3 to R-7 on the other hand. Though the sale deeds in favour of L&T are of the year 1993, the total cost as per these sale deeds works out to Rs.3,26,610/- per bigha, whereas the consideration shown in Ex.R-3, R-4, R-6 & R-7, though executed in the year 1995, ranges between Rs.15,000/- per bigha to Rs.1,37,000/- per bigha. Not only there is a drastic difference in price in those sale deeds, it is much lesser than the price at which L&T had purchased the land two years earlier. This also lends credence to the argument of the appellants that sale deeds produced by the respondents are of depressed value. It is a known fact that in a city like Delhi the real consideration at which the property deals are struck is never reflected in the sale deeds, particularly when these are between private parties.

33. The contention of the counsel for the respondents still was these sale deeds are to be discarded for the following reasons :-
- (a) the sale deeds are of small area;
 - (b) the land was purchased by L&T for commercial/industrial purpose which is not permitted in law as the land could be

used only for agricultural purposes and, therefore, it would be forbidden under clause *eighthly* of Section 24 of the Act. us

34. Insofar as the first contention is concerned, no doubt, the land purchased by L&T is through five sale deeds. However, they are of contiguous land and the total area covered by these sale deeds is 8-9 bighas. Reason is simple, most of the land owners had small holdings ranging between 1 bigha to 2 bighas. Therefore, necessarily these sale deeds are to be of the small areas. Since L&T was in need of bigger land, it had to purchase the land from few land owners as requirement could not be met by purchasing the land from one land owner. No cultivator was owning the extent of land required by L&T. Therefore, the argument of the respondents that sale deeds are of very less area as against the total area of 1162 bigha acquired in this case and on this ground these sale deeds should not be considered, cannot be accepted. At the most, some deduction from this sale consideration can be made for this reason, as done in *Ram Kishan* (supra)

35. Coming to the second contention which is predicated on clause *eighthly* of Section 24 of the Act, it would be apposite to take note of this provision, which reads as under :-

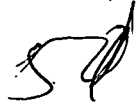
“*eighthly*, any increase to the value of the land on account of its being put to any use which is forbidden by law or opposed to public policy.”

36. *Ex-facie* this clause is not applicable. It only states that where this land is put to use which is forbidden by law or opposed to public

policy and because of the said use, its value has increased, that is not to be taken into consideration. In the instant case, value of the land has not increased because of the reason that it was put to commercial use. No doubt, this may be the consideration in the mind of the purchaser, i.e. L&T while purchasing the land. Fact remains that it was not put to the said use. Had it been put to such a use and because of commercial/industrial use, contrary to law, had the value been increased, that was liable to be discarded. Here the land is purchased at a particular rate before even it is put to commercial use. 10

37. The learned ADJ was, therefore, not right in discarding these sale deeds altogether. At the same time, the sale consideration reflected in these sale deeds needs to be discounted keeping in view the purpose for which the land in question was purchased by L&T, namely, for Readymix Cement Concrete Plant and that the plots were of smaller size. It is possible that having that purpose in mind L&T paid higher rate. Even if we reduce the sale consideration substantially, say by 1/3rd, it would work out to Rs.2,15,160/- per bigha.

38. If we look into the matter from other angle as well, we shall reach almost the same figure. Some of the sale deeds produced by the respondent show the consideration of Rs.1,37,000/- per bigha. Whereas, L&T purchased the land at Rs.3,26,600/-. Average rate of the sale deeds produced by the respondent works out to little more

than Rs.1,00,000/-, say around Rs.1,05,000/-. If we take the average of the two sale deeds, it would work out to the same figure. 

39. What cannot be lost sight of is that the market rate of the land in question, even when it was agricultural land, was more than the rates fixed by the Government in its policy dated 1.4.1997.
40. It is an accepted principle of fixation of the market value that sale transaction relating to the same village or neighbouring land of the dates proximate with the date when the land is acquired would furnish the best evidence. This is so held by the Supreme Court in *Pramod Gupta* (supra). As there was evidence available in the form of sale deeds pertaining to the land of same village, which are of the year 1993, i.e. two years before the Notification under Section 4 of the Act was issued, and even if the price of these lands is to be reduced having aforesaid considerations in mind, we are of the opinion that the minimum market value which can safely be fixed would be Rs. 2,15,160/- per bigha for Block-A lands.
41. Coming to Block-B lands, the reasons for which the lesser compensation is given by the LAC as well as the ADJ than compared to Block-A land are justified in our opinion. However, since we have enhanced the market value of the Block-A land, the owners of Block-B land would also be entitled to proportionate increase. The LAC while fixing the market value of Block-B land reduced the value by Rs.41,660/-. Reducing this value from the market value fixed by us

for Block-A land, the market value of Block-B land would arrive at Rs. 1,73,500/- (2,15,160 - 41,660).

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42. Accordingly, in respect of appeals relating to village Tikri Kalan, for which Notifications dated 24.7.1995 and 16.11.1995 were issued and land acquired vide Award No. 2/97-98, 17/97-98 and 18/97-98, the market value is fixed at Rs.2,15,160/- for Block-A land and Rs.1,73,500/- for Block-B land. These appeals are LA.A. Nos. 354, 325, 299, 469, 274, 286, 267, 389, 388, 287, 297, 620, 460, 391, 518, 479, 380, 476, 381, 473, 506, 396, 637, 463, 493, 588, 665, 376, 528, 541, 799, 563, 682, 663, 687, 617, 383, 390, 498, 490, 672, 649, 691, 648, 432, 608, 693, 437, 635, 529-540, 564, 580-581 and 703/2006, 296, 37, 34, 35, 39, 1, 74, 36, 150, 151, 22, 38, 217/2007 and 750/2008.

43. These appeals are accordingly partly allowed in the aforesaid terms with proportionate costs. The appellants shall also be entitled to usual statutory benefits of solatium and interest etc., as awarded by the learned ADJ.

Decree shall be prepared accordingly.

44. Appeals arising out of Award No. 3 & 4/DCW/98-99

Two notifications of the same date, namely, 11.6.1996 were issued whereby lands in village Tikri Kalan were acquired for expansion of LPG Bottling Plant for Indian Oil Corporation Ltd. and for setting up Sports School in Ghevra More. The learned ADJ proceeded on the basis that market value of the land acquired vide

Notification dated 24.7.1995 is filed at Rs.1,68,000/- per bigha for Block-A land and Rs.1,26,840/- per bigha for Block-B land. Thereupon, he has given enhancement for the intervening period, i.e. from 22.8.1995 to 11.6.1996 @ 12% p.a. On this basis, he has given an increase of Rs.77,614/- per acre. The land owners have filed the appeals seeking further enhancement. On the other hand, Indian Oil Corporation has also filed appeals contending that increase @ 12% p.a. for the period in question should not have been given.

45. Since we have fixed market value of Rs.2,15,160/- in respect of land acquired vide Notifications dated 24.7.1995 and 16.11.1995, the land owners in these appeals shall be entitled to enhancement for the period from 22.8.1995 to 11.6.1996 on the aforesaid amount. Having regard to the fact that in 1995-96 the prices of the land were increasing and the period involved is less than 10 months, we are of the opinion that enhancement @ 12% p.a. is rightly given having regard to the principles laid down by this Court in *Bedi Ram & Ors. v. Union of India & Anr.*, 93 (2001) DLT 150. The enhancement for the period in question, at that rate, would work out to Rs.20,655/-. On that basis, the market value for the land covered under these appeals for 'A' category land is fixed at Rs.2,35,815/- and for 'B' category it amounts to Rs.1,90,156/-. These appeals are LAA Nos. 771, 775, 622, 621, 772, 623, 629, 698, 634, 727, 625, 711, 628, 726, 712, 626, 798, 624, 713, 702, 565, 699 & 605/2006, 2/2007 & 212/2007.

46. Consequently, the appeals preferred by the Indian Oil Corporation Ltd. are dismissed and those filed by the land owners are partly allowed in the aforesaid terms with proportionate costs. The appellants/land owners shall also be entitled to usual statutory benefits of solatium and interest etc., as awarded by the learned ADJ.

Decree shall be prepared accordingly.

47. Appeals arising out of Award No. 3/98-99 (Village Ghevra)

The land of Ghevra village, subject matter of these appeals, was acquired vide Award bearing No. 3/98-99. Notification under Section 4 of the Act was issued on 11.6.1996 and Section 6 declaration was issued on 7.10.1996. For the identical reasons given in respect of Tikri Kalan village, the learned ADJ took into consideration Government Policy dated 1.4.1997 and refused to act upon the sale deeds in favour of L&T. Here also, land was acquired for expansion of LPG Bottling Plant by Indian Oil Corporation. Therefore, for the same reasons, the market value for the Block-A lands pertaining to this Village is fixed at Rs.2,35,815/- and in respect of Block-B it is Rs.1,90,156/-. These appeals are LA.A. Nos. 443, 445, 444, 361, 378, 382, 587, 363, 355, 763, 362, 357, 372, 197, 182, 198, 373, 356, 282, 264, 284, 268, 371, 358, 375, 374, 285, 283, 360, 194, 195, 312, 322, 323, 324/2006, 85, 237, 218, 219, 221 and 215/2007.

48. Accordingly, the appeals preferred by the Indian Oil Corporation Ltd. are dismissed and those filed by the land owners are partly

allowed in the aforesaid terms with proportionate costs. The appellants/land owners shall also be entitled to usual statutory benefits of solatium and interest etc., as awarded by the learned ADJ.

Decree be prepared accordingly.

49. Appeals arising out of Award No. 2/DCW/2004-05 dated 20.9.2004

In respect of these acquisitions, Notification under Section 4 of the Act was issued on 17.12.2002 and the Award was rendered on 20.9.2004. The learned ADJ has made the Award No. 2/1997-98 dated 23.7.1997 as the basis, as per which the market value of the land for Block-A is fixed at Rs.1,68,000/- per bigha and for Block-B the market value is fixed at Rs.1,26,840/- per bigha. On this, enhancement @ 12% p.a. is granted.

Since we have revised the market value in respect of the aforesaid Award at Rs.2,35,815/- for Block-A and Rs.1,90,156/- for Block-B, further enhancement has to be given on these rates for the period from 17.11.1995 to 17.12.2002. However, at the same time, we are of the view that in these cases enhancement @ 12% p.a. should not be given because of the reason that in some of these areas the market value of the land had even gone down. Therefore, taking holistic view of the matter and balancing the upward and downward trends, we are of the opinion that interest of justice would be subserved if enhancement is granted @ 10% p.a. On this basis, market value for Block-A land is fixed at Rs.4,02,850/- and for Block-B land it is fixed at Rs.3,24,850/-. LA.A. Nos. 284, 229, 228,

226, 230, 282, 283, 133, 226, 84, 225, 227, 125, 132, 231, 236,
234, 235, 274, 275, 276 & 286/2007 are decided accordingly.

These appeals are, therefore, partly allowed in the aforesaid terms with proportionate costs. The appellants/land owners shall also be entitled to usual statutory benefits of solatium and interest etc., as awarded by the learned ADJ. On this basis, the decree shall be prepared.

(A.K. SIKRI)
JUDGE

(MANMOHAN SINGH)
JUDGE

December 19, 2008
nsk