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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LA.APP. 380/2009

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..... Appellant

Through: Mr. Sanjay Kumar Pathak & Mr. Navlin Swain,
Advocates.

versus

BHOLA (DECEASED) THR. LR'S & ANR. Respondents

Through: Mr. T.C. Yogi & Mr. Amit Sarkar, Advocate
Mr. Atul Aggarwal for Mr. Jagdeep Sharma,
Advocate for LR No. 2(a)

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

18.11.2011

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1. Last order records that legal heirs of respondent No.1, except Smt. Angoori Devi, have been served and Notice was issued to Smt. Angoori Devi for today and Mr. Atul Aggarwal, Advocate, has put in appearance on her behalf. Thus, service is complete.

2. A short point which arises for consideration in this appeal is whether the respondents would be entitled to any additional amount Section 23 (1A) of the Land Acquisition Act in view of the Judgment of the Apex Court in '*K.S. Paripoornan Vs. State of Kerala*' 1994 (5) SCC 593.

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3. Section 23 (1A) of the Land Acquisition Act, came into existence by virtue of amendment made w.e.f. 24.09.1984 with a clarification that its application would be to proceedings pending on or after 30.04.1982.
4. It is a matter of record that award No. 1238, in respect of petitioner's land situated in Village Joga Bai, Delhi, was passed on 30.12.1961 and the Reference Petition was not pending on 30.4.1982. It is so evident from the impugned order, which discloses that the Reference Petition is of the year 2006.
5. Thus, the impugned order of 18.8.2006 granting an additional compensation amount under Section 23 (1A) of the Land Acquisition Act @ 12% p.a., is contrary to the decision of the Apex Court in **K.S. Paripoornan** (*Supra*), and so, the impugned order to this extent is set aside. It is made clear that the respondents shall not be entitled to any additional amount under Section 23 (1A) of the Land Acquisition Act with interest @ 12% p.a.
6. This appeal is allowed to the aforesaid extent. No costs.

NOVEMBER 18, 2011

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SUNIL GAUR, J