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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ LA.APP. 487/2011

PAWAN MITTAL

..... Appellant

Through: Mr.Inder Singh and Mr.Anuroop P.S.,
Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr.Sanjay Kumar Pathak,
Mr.Mohitrao Jadhav, and Ms.Navlin
Swain, Advocates for UOI/LAC
Mr.Rakesh Mittal, Advocate for
respondent No. 2-DDA

+ LA.APP. 488/2011

LAKSHMI MITTAL

..... Appellant

Through: Mr.Inder Singh and Mr.Anuroop P.S.,
Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr.Sanjay Kumar Pathak,
Mr.Mohitrao Jadhav, and Ms.Navlin
Swain, Advocates for UOI/LAC
Mr.Rakesh Mittal, Advocate for
respondent No. 2-DDA

+ LA.APP. 460/2011

UNION OF INDIA & ANR

..... Appellants

Through: Mr.Sanjay Kumar Pathak,
Mr.Mohitrao Jadhav, and Ms.Navlin
Swain, Advocates for UOI/LAC

versus

LAKSHMI MITTAL & ANR

..... Respondents

Through: Mr.Inder Singh and Mr.Anuroop P.S.,
Advocates

LA.App.No. 487/2011, 488/2011 & 460/2011

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CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
17.11.2011

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1. With the consent of parties, the above captioned three appeals are taken up for disposal together as it is stated that the fate of these three appeals would be governed by the decision of this Court in LA APP.266/2008, titled as 'Jai Singh Vs. UOI & Another', rendered on 23.8.2011. Undisputedly, the Notification under Section 4 of Land Acquisition Act, 1894 in the instant appeals is of 22.8.2001 and these three appeals pertain to 'A' category land of Village Holambi Kalan and while dealing with this very Notification, this Court in Jai Singh (supra) in respect of this Village has enhanced the compensation for 'A' category land to Rs.16,74,500/- per acre and the operative part of the decision rendered in Jai Singh (supra) reads as under:-

"74. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2001 minimum price notified per acre is ₹15.70 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 22.8.2001 and with reference to the sale deed dated 25.5.2002 wherein for Category 'C' lands, land price per acre comes to ₹17,74,109/-, rounded off to ₹17,75,000/- per acre, and for Category 'B' lands increasing the same by 2.5% the price comes to ₹18.2 lakhs per acre and further increasing by 2.5% the prices comes to ₹18,65,500/- per acre for Category 'A' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 22.8.2001; the mean average price for Category 'A' lands in village Holambi Kalan comes to ₹16,74,500/- per acre and decreasing the same by 2.5%, it comes to

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₹16,32,637.50 per acre for Category 'B' lands. Noting that the learned Reference Court has, without any reasons, done away with Category 'B' lands and uniform price awarded is ₹16,43,811/- per acre, the price differential worked out by me comes to a meager ₹9,000/- per acre and thus qua Category 'B' lands I maintain the amount awarded by the learned Reference Court.

75. All Land Acquisition Appeals filed by the Union of India and cross objections wherever filed by Union of India in the appeals filed by land owners in respect whereof grid has been prepared and labeled as 'GRID-F' & 'GRID-G' hereinabove are dismissed.

76. All Land Acquisition Appeals filed by the land owners and cross-objections filed by the land owners in appeals filed by Union of India are allowed by decreeing compensation payable for Category 'A' lands in village Holambi Kalan pertaining to the notification dated 22.8.2001 in sum of ₹16,74,500/- per acre and for Category 'B' lands the compensation awarded at ₹16,43,811/- per acre is maintained and thus such appeals or cross references which pertain to Category 'B' lands are dismissed.

77. Pertaining to such appeal where the compensation stands enhanced statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder Vs.UOI 2001 (93) DLT 569 shall be granted, except for the period where there is a delay in filing the appeal or cross objection, for which period of delay no interest on the enhanced compensation shall be paid. These appellants or cross objectors would be entitled to proportionate cost."

2. The impugned order has granted the compensation @ Rs.16,43,811/- per acre and in view of the decision of this case in *Jai Singh (supra)*, it is required to be enhanced to Rs.16,74,500/- per acre.

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3. Accordingly, the LA.App.No.487 and 488 of 2011 of the appellants are allowed and the compensation stands enhanced to Rs.16,74,500/- per acre alongwith Statutory benefits and proportionate costs.

4. Consequently, the appeal filed by UOI being LA.App.No. 460/2011 stands dismissed.


(SUNIL GAUR)
JUDGE

NOVEMBER 17, 2011
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