

\$~20, 21, 22, 23, 24, 25, 26 & 27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LA.APP. 153/2009**

UOI Appellant
Through: Ms.Deepika, Advocate

versus
DEEPAK SACHDEVA Respondent
Through: Mr.S.K.Rout & Mr.B.K.Routray,
Advocates.

LA.APP. 154/2009

UOI Appellant
Through: Ms.Deepika, Advocate.

versus
SUSHILA BETALA & ANR. Respondent
Through: Mr.S.K.Rout & Mr.B.K.Routray,
Advocates.

LA.APP. 155/2009

UOI Appellant
Through: Ms.Deepika, Advocate.

versus
M/S ROYAL MARBLES & ORS. Respondent
Through: Mr.S.K.Rout & Mr.B.K.Routray,
Advocates.

LA.APP. 156/2009

UOI Appellant
Through: Ms.Deepika, Advocate.

versus
M/S GURU NANK MARBLES & ORS. Respondents
Through

LA.APP. 651/2009

ARUN KUMAR & ANR Appellants
Through

versus
UNION OF INDIA & ORS Respondents
Through: Mr.Sanjay Poddar, Advocate.

LA.APP. 13/2010

UOI Appellant
Through: Ms.Deepika, Advocate.

versus
VIRENDER BHUTANI & ORS Respondents
Through

LA.APP. 321/2010

UNION OF INDIA Appellant
Through: Ms.Deepika, Advocate.

versus
SHINE MARBLES & ORS Respondent
Through: Mr.S.K.Rout & Mr.B.K.Routray,
Advocates.

LA.APP. 835/2010

UNION OF INDIA Appellant
Through: Ms.Deepika, Advocate.

versus
NS MITTAL Respondent
Through:

CORAM:
HON'BLE MR.JUSTICE PRADEEP NANDRAJOG

ORDER
15.07.2011

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CM No.16414/2010 in LA.APP.835/2010

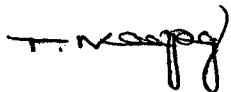
For the reasons stated in the application, 147 days' delay in filing the appeal is condoned.

LA.APP. Nos.153/2009, 154/2009, 155/2009, 156/2009, 651/2009, 13/2010, 321/2010 & 835/2010

1. Instant appeals pertain to lands acquired in the revenue estate of village Basai Darapur pursuant to a notification dated 5.4.1999 issued under Section 4 of the Land Acquisition Act 1894.
2. Vide judgment and decree dated 22.3.2011, deciding a batch of land acquisition appeals, lead matter being LA.APP. No.228/2009 *Deepak Sachdeva vs. UOI & Ors.*, fair market value of land as of said date in the same village, relating to the same notification, was determined @Rs.14,490/- per sq.metre.
3. It may be noted that lands were acquired for the purposes of construction of Raja Garden Flyover and the lands were in the urbanized areas of Delhi.
4. The judgment and decree dated 22.3.2011 is followed by me as a precedent.
5. I find that the same rate has been granted by the learned Reference Court; but there is an issue on the nature of decree passed by learned Reference Court inasmuch as all statutory benefits have not been directed to be paid.
6. The appeals stand disposed of decreeing the rate at which market value has been determined by the Reference Court i.e. ₹14,419/- per sq.metre. It is further decreed that on the enhanced compensation: as decreed by the Reference Court,

appellants would be entitled to all statutory benefits as clarified in the decision reported as 93 (2001) DLT 569 Sunder vs. UOI. It is also decreed that the appellants would be entitled to the benefit of interest at such rate as contemplated by the proviso to Section 34 of the Land Acquisition Act 1894.

7. In view of the fact that compensation has not been enhanced, but corrections have been done with reference to the Land Acquisition Collector not granting interest under the proviso to Section 34 of the Land Acquisition Act 1894, for which corrective action has been taken, there would be no order as to costs.


PRADEEP NANDRAJOG, J.

JULY 15, 2011
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\$~2,4,5,6,7,8,9

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ LA.APP. 153/2009

UOI

Through: Nemo

..... Appellant

versus

DEEPAK SACHDEVA

Through: Nemo

..... Respondent

LA.APP. 154/2009

UOI

Through: Nemo

..... Appellant

versus

SUSHILA BETALA & ANR.

Through: Nemo

..... Respondents

LA.APP. 155/2009

UOI

Through: Nemo

..... Appellant

versus

M/S ROYAL MARBLES & ORS.

Through: Nemo

..... Respondents

LA.APP. 156/2009

UOI

Through: Nemo

..... Appellant

versus

M/S GURU NANK MARBLES & ORS.

Through: Nemo

..... Respondents

LA.APP. 13/2010

UOI

Through: Nemo

..... Appellant

versus

VIRENDER BHUTANI & ORS

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..... Respondents

LA.APP. 321/2010

UNION OF INDIA

Through: Nemo

..... Appellant

versus

SHINE MARBLES & ORS

Through: Nemo

..... Respondents

LA.APP. 835/2010

UNION OF INDIA

Through: Nemo

..... Appellant

versus

NS MITTAL

Through: Nemo

..... Respondent

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

13.01.2012

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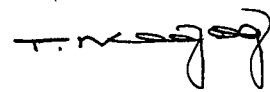
1. The file has been put up with an office note pointing out that the above captioned batch of Land Acquisition Appeals were disposed of by a common judgment dated July 15, 2011. Fair market value of the subject lands was determined with reference to the decision dated March 22, 2011 in LA.APP.No.228/2009 LPAs 153/09, 154/09, 155/09, 156/09, 13/2010, 321/2010 & 835/2010

Deepak Sachdeva Vs. Union of India & Ors., wherein, fair market value was determined @ ₹14,490/- per sq.mtr. This has been noted in para 2 of the decision dated July 15, 2011. However, while disposing of the appeals and issuing the operative directions, in para 6 of the decision dated July 15, 2011, due to a typographic error, it got recorded that the fair market value stands enhanced to ₹14,419/- per sq.mtr.

2. The said figure should read as ₹14,490/- per sq.mtr.

3. It is hereby clarified that para 6 of the decision dated July 15, 2011 should read as under:

"6. The appeals stand disposed of decreeing the rate at which market value has been determined by the Reference Court i.e. ₹14,490/- per sq.metre. It is further decreed that on the enhanced compensation: as decreed by the Reference Court, appellants would be entitled to all statutory benefits as clarified in the decision reported as 93 (2001) DLT 569 Sunder vs. UOI. It is also decreed that the appellants would be entitled to the benefit of interest at such rate as contemplated by the proviso to Section 34 of the Land Acquisition Act 1894."



PRADEEP NANDRAJOG, J.

JANUARY 13, 2012

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