



IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM: NAGALAND: MIZORAM & ARUNACHAL
PRADESH)

ITANAGAR PERMANENT BENCH (YUPIA)

Writ Appeal No.12(AP)2022

1. Shri Ano Umpe,
S/o Late Y. Umpe, age about 36 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.
2. Shri Ake Umpey,
S/o Late Y. Umpey, age about 35 years,
Permanent Resident of Akaya Village
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.
3. Shri Bagi Umpey,
S/o Late Y. Umpey, age about 30 years,
Permanent Resident of Akaya Village
PO/PS Anini, District Dibang Valley
Arunachal Pradesh.
4. Shri Thruko Meto,
S/o Shri M. Meto, age about 28 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley
Arunachal Pradesh.

5. Shri Sordi Umpey,
S/o Late S.Umpey, age about 48 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.
6. Shri Kechipu Miche,
S/o Late S. Miche, age about 47 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley
Arunachal Pradesh.
7. Shri Sani Umpey
S/o Late Y.Umpey, age about 27 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.
8. Shri Akungu Umpey,
S/o Late G. Umpey, age about 23 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.
9. Shri Sukna Umpey,
S/o Late Y. Umpey, age about 29 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.
10. Shri Pratap Mepola,
S/o Late D. Mepola, age about 40 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley
Arunachal Pradesh.

11. Shri Rune Umpey,
S/o Late Y. Umpey, age about 26 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley
Arunachal Pradesh.

12. Ms. Salinda Umpey,
S/o Late Y. Umpey, age about 29 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.

13. Shri Mena Meto,
S/o Late A. Meto, age about 60 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.

14. Anmol Mega,
S/o Late Aprolo Mega, age about 24 years,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.

15. Lt. Yingo Umpey,
S/o Late M. Umpey, age about 70 years,
Substituted by Smt. Mena Meto,
W/o Lt. Yingo Umpey,
Permanent Resident of Akaya Village,
PO/PS Anini, District Dibang Valley,
Arunachal Pradesh.

Writ appellants....

-VERSUS-

1. The Land Acquisition Collector/Deputy Commissioner (Dibang Multipurpose Project (2800 MW), Dibang Valley District, Anini, Arunachal Pradesh.

2. National Hydro Power Corporation Ltd. (NHPC) Through its Executive Director/Head of Project Roing Arunachal Pradesh.

Respondents.....

Advocate for the Appellants: Mr. R. Saikia

Advocate for the Respondents: Mr. K. Ete, Advocate General(In-charge)

Mr. P. K. Tiwari, Sr. Advocate

:::BEFORE:::
HON'BLE MR. JUSTICE NANI TAGIA
HON'BLE MRS. JUSTICE MITALI THAKURIA

JUDGMENT & ORDER (Oral)

Date of Hearing :22.02.2023

Date of Judgment & Order :22.02.2023

(N Tagia, J)

Heard Mr. R. Saikia, learned counsel for the appellants. Also heard Mr. K. Ete, learned Advocate General(In-charge) for the State of Arunachal Pradesh, representing respondent No.1 and Mr. P. K. Tiwari, learned Senior Counsel for the National Hydro Power Corporation Ltd.(NHPC), representing respondent No.2.

2. This Intra-Court Appeal is directed against the judgment and order dated 11.05.2022, passed by the learned Single Judge in the writ petition being WP(C) No.60(AP)2022.

3. The appellants, altogether 15(fifteen) in numbers, who were part of the 116 writ petitioners, had preferred WP(C) No.60(AP)2022, under Article 226 of the Constitution of India, seeking a direction to the respondent No.1, the Land Acquisition Collector-cum-Deputy Commissioner, Dibang Valley District, Anini, to disburse the compensation amount to the writ petitioners, so deposited by the National Hydro Power Corporation Ltd.(in short "NHPC Ltd."), by allowing them to withdraw the same under protest, in terms of Section 77 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(hereinafter the "Act of 2013" for short).

4. The appellants/writ petitioners' case before the learned Single Judge was that the petitioners' land was acquired for 2800 MW Dibang Valley Multipurpose Hydro-Electric Project, for which an award in respect of all beneficiaries including the petitioners was passed to the extent of Rs.1601,39,31,725/-(Rupees One thousand six hundred one crore thirty nine lakh thirty one thousand seven hundred twenty five only), which was approved by the Deputy Commissioner, Dibang Valley District, Anini, vide order dated 07.09.2018. The approval of the award by the State Government was conveyed vide letter dated 18.02.2018. Later on, the State had rescinded and/or cancelled the award vide order dated 20.12.2019. By an order dated 24.03.2020, the State Government, however, had withdrawn the order dated 20.12.2019. While some of the project affected persons had challenged the order dated 20.12.2019, the legality of the award was assailed by the NHPC Ltd., i.e., the respondent No.2.

5. The appellants along with other petitioners in the writ petition, had contended that the State authorities including the Deputy Commissioner, together with the NHPC Ltd. had devised a strategy of delaying disbursement of compensation and whoever had approached the authorities for compensation were asked to sign a compromise agreement not to claim the awarded amount and thereafter, the part-payment of compromise amount was made. It was contended

that out of the award for an amount of approximately Rs.1601.39 crore, the respondent No.2, NHPC Ltd. had deposited only about Rs.640.00 crore. It was further contended that the respondent authorities were not making payment of any money to those award holders, who were not submitting themselves to accept the compromise amount. The appellants along with other petitioners further contended that since the NHPC Ltd. had deposited a sum of Rs.640.00 crore, the appellants had an indefeasible right to collect their proportionate share of award under protest. The appellants/writ petitioners, thus, essentially contended before the learned Single Judge that the appellants have been discriminated by the State authorities in not releasing their proportionate share of compensation, while the same has been released to those, who had signed the compromise agreement. Under the aforesaid circumstances, a direction was sought for, to the State authorities to allow the appellants/writ petitioners to receive their proportionate share of compensation under protest, in terms of Section 77 of the Act of 2013.

6. Resisting the prayer of the appellants/writ petitioners, the State in the counter-affidavit filed had, firstly, contended that the State authorities have a right to have the matter relating to award settled through compromise outside the Court. Secondly, the State authorities are not making payment of any part of the award, and that the money deposited to the tune of Rs.640.00 crore, has only been earmarked for payment to those who are compromising the matter. Thus, it was contended that the settlement on the basis of compromise arrived at between/amongst the parties is in the interest of public exchequer; and thirdly, it was contended that the legality of the award is under challenge by the NHPC Ltd. in WP(C) No.171(AP)/2020, wherein it has been contended by the NHPC Ltd. that the award in question, is vitiated for several reasons mentioned in WP(C) No.171(AP)/2020. For the aforesaid 3(three) reasons, it was contended that the payment as prayed for by the appellants/petitioners in the writ petition cannot be made.

7. On the basis of the rival pleadings of the parties, the learned Single Judge had framed 4(four) issues for determination:

(a) Whether it is lawful for the respondents to make an endeavor for having an out-of-Court settlement of the award?

(b) Whether the stand of the respondents that the sum of money amounting to Rs.640.00 crore was not for payment of award but for out-of-Court settlement with beneficiaries of the award is legally tenable, and if yes, whether it would be discriminatory under Article 14 of the Constitution of India?

(c) Whether the petitioners are entitled to relief in form of a direction to the respondent authorities to allow the petitioners to withdraw proportionate share of their award from out of Rs.640.00 crore? and

(d) Whether the order dated 10.12.2021 passed by the coordinate Bench of this Court would operate as an issue estoppel against the respondents and would entitle the petitioners to relief in this writ petition?

8. The issue Nos.(a) and (b) were answered in affirmative, while the issue Nos. (c) and (d) were answered in negative by the learned Single Judge vide the impugned judgment and order.

9. Assailing the impugned judgment and order passed by the learned Single Judge, Mr. Saikia, learned counsel for the appellants, has contended that in terms of Section 77 of the Act of 2013, the appellants/petitioners have the right to receive their proportionate share of compensation under protest and in declining the appellants/petitioners to receive their share of compensation amount in terms of the award u/s 77 of the Act of 2013, by the learned Single Judge is illegal and contrary to the provision of Section 77 of the Act of 2013, the same, therefore, needs interference by this Court. Mr. Saikia, learned counsel for the appellants has further submitted that the necessity to receive the proportionate share of compensation award of the appellants/petitioners u/s 77 of the Act of 2013, has arisen because of the fact that unless the proportionate share of the appellants/petitioners' compensation amount is received by the

appellants/petitioners under protest, the appellants/petitioners cannot file a reference for seeking higher compensation than the compensation that has been determined in the award.

10. Mr. K. Ete, learned Advocate General(In-charge) for the State, while supporting the decision of the learned Single Judge has argued that the amount deposited by the NHPC Ltd. to the tune of Rs.640.00 crore being full and final amount of compensation, pursuant to the agreement signed between/amongst the parties by means of an out-of-Court settlement, and the appellants/petitioners being not agreeable to such a settlement initiated by the State on the basis of compromise arrived at amongst the parties, the appellants/petitioners are not entitled to receive their proportionate share of compensation under protest, in terms of Section 77 of the Act of 2013. Mr. Ete further submits that Rs.640.00 crore amount deposited by the NHPC Ltd. is an amount deposited pursuant to an agreement signed between the parties by means of an out-of-Court settlement, and accordingly, was not a part of the awarded amount and therefore, the Act of 2013 will not be applicable in the facts and circumstances of this case. He has further submitted that since the appellants/petitioners are not a part of the amicable settlement arrived at amongst the parties, the appellants/petitioners cannot seek a compensation u/s 77 of the Act of 2013. Mr. Ete, learned Advocate General(in-charge) further submitted that the act of the appellants/petitioners in the facts of this case attracts the principle of approbate and reprobate and, therefore, no relief sought for by the appellants/petitioners can be granted by this Court. In support of his contention, Mr. Ete, learned Advocate General(In-charge) has relied on the decision of the Hon'ble Supreme Court, reported in (1981) 1 SCC 537(*New Bihar Biri Leaves Co. & Ors vs State Of Bihar & Ors.*).

11. Mr. Tiwari, learned Senior Counsel appearing for the NHPC Ltd., while endorsing the submission made by the learned Advocate General(In-charge), has argued that since the appellants/petitioners retains the right to receive the

compensation in terms of the award subject to the outcome of the writ petitions challenging the award, they have no right to receive the compensation under protest, u/s 77 of the Act of 2013. Secondly, the appellants/petitioners being not a part of the settlement arrived at between/amongst the parties, the appellants/petitioners are out of the purview of the compensation. Thirdly, since the parties to the settlement are not before this Court, this Court may not make any observation on the out-of-Court settlement arrived at between the parties. Fourthly, the appellants/petitioners are not at all prejudiced by the impugned judgment and order passed by the learned Single Judge, and, therefore, no interference is called for by this Court, inasmuch as they still have the right to receive the compensation subject to the outcome of the writ petitions challenging the award. Fifthly, out-of-Court settlement is beyond the purview of Section 77 of the Act of 2013, and therefore, the appellants/petitioners are not entitled to receive the compensation as comprehended u/s 77 of the Act of 2013. And sixthly, any interference with the impugned judgment and order passed by the learned Single Judge by this Court will prejudice the merit of the writ petitions, being WP(C) No.403(AP)2021 and WP(C)419(AP)2021.

12. Rival submissions advanced at the Bar have received due consideration of this Court.

13. Upon hearing the learned counsels appearing for the parties and on perusal of the materials available on record, it is noticed that an award dated 07.09.2018, was passed under Section 11 of the Land Acquisition Act, 1894, for 2800 MW Dibang Valley Multipurpose Hydro-Electric Project by the Deputy Commissioner, Dibang Valley District, Anini, vide No. DV/LM-173/17-18.

14. The award dated 07.09.2018 is extracted hereinbelow for ready reference:

*“ Government of Arunachal Pradesh
Office of the Deputy Commissioner*

Dibang Valley District

Anini

NO.DV/LM-173/17-18/ Dated, Anini 7th September, 2018*Award u/s-11 of Land Acquisition Act, 1894 (I of 1894)**(For Land Acquisition Proceeding for 2880 MW Dibang Multipurpose Project)*

WHEREAS, a Preliminary Notification U/s-4 of the Land Acquisition Act, 1984 has been issued by the Govt. of Arunachal Pradesh vide letter No. LM-15/2009(pt) dated 27th August, 2013 (Published in Gazette of State vide No. 187 Vol. xx Naharlagun, Monday 14th October 2013) for acquisition of land measuring 2202.075 Hectares belonging to Communities, clans and individuals of Awali, Kano/Akaya, Anaya, Amili/Alili/Aprali, Aprunli Emrali, Wanli, Angapo, Anelih/Briyito, Ichili/Grinli, Arzoo/Edipo, New Endolin, Angulin, Gunli, Esunli, Ryali/Lopo/Echindo, Amrali, Amuli, Apako, Ataya, Mrambo upper, Kronli; villages under Etalin, Arzoo and Anelih Circles of Dibang Valley District, Arunachal Pradesh Land for the purpose of execution of 3000 MW Dibang Multipurpose Project under NHPC Ltd.

AND WHEREAS, the people of the affected area have not filed any objection against the proposed acquisition other than claims for just and fair compensation.

AND WHEREAS the Deputy Commissioner vide letter No. DV/LM-173/2014-15-5717 dated 20th November 2014 had prepared a report U/S 5 (A) regarding claims and objections as per preliminary Notification of U/S 4 of LA, Act, 1894 and subsequently forwarded letter No. DV/LM-173(lI)/2014-15/811-12 dated 24th November 2014 to Commissioner, (Land Management) for final Notification under Section 6. Accordingly, the Govt. of Arunachal Pradesh has issued Final Notification under Section 6(1) of the Act vide letter No. LM-15/2009 (PT) 2263 dated 6th October, 2015 (Published in Gazette of State vide. 10, Vol. XXIII Naharlagun Monday 25th January, 2016).

AND Whereas, vide letter No. NH/DMP/R&R/2016/06 Dated, 8th October, 2016 received from GM, NHPC Ltd, Roing proposing reduction of Dam Height by 10 meters and resultant reduction in installed project capacity to 2880 MW. Consequently the Govt. of Arunachal De-notified total land of 469.652 Hectares U/S 48 of LA Act, 1984 vide letter No. LM-15/2009 (Pt), Dated Itanagar, the 22nd December, 2016. Therefore, after due consideration and compliance with Provisions of Section-7 and Section-8 of the act the intention to acquire a total extent of 1732.423 Hectares was expressed for the proposed 2880 (MW) DMP (NHPC) in Dibang Valley District.

AND WHEREAS, the undersigned in pursuance of Section 9 & 10 of the Act issued public notice, vide letter No. DV/LM-173(lI)/2016-17/493-560 Dated, 19th April, 2016. Notice to all the interested persons expressing Govt. Intention to take possession of the land and inviting claims and objections, if any, on the assessment of properties and also, requiring all the claimants to appear personally or through agents to present their claims and objections was issued. Accordingly, a hearing was fixed at CO, Office Arzoo at 900 hrs for disposal of Claims and Objections in letter No. DV/LM-173(lI)/2016-17/493-560 Dated, 18th May, 2016. As many as 33 Claims and objections were received

from different villages, Communities and interested persons. Subsequently a hearing was conducted on 13th June, 2016 to 19th June, 2016 and various claims and objections were resolved after due deliberations with claimants and representatives.

And whereas, the undersigned vide letter No. DV/LM-173(II)/2016-17 9759-62, Dated 28th October, 2016 written to Secretary, Land Management for extension of time period for award. The Govt of Arunachal Pradesh has exercised power vested U/S 25 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with Section 24(1) (a) of said Act extends the period of stipulated U/S 11 of LA, Act, 1894 for making award U/S 23 of LARRA, 2013 by another 12 (twelve) months i.e. 6th October, 2019.

AND WHEREAS, Govt letter No. U. O. CS(LM)-1/2014 Dated 5th August 2014, Intimated that land acquisitions already initiated under Land Acquisition, Act, 1894 for various projects and no award has been made, the said process shall not nullify and shall remain valid except that the quantum of compensation shall be determined on the basis of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Now, Therefore, the undersigned, in accordance with the provision under Section 11 of Land Acquisition Act, 1894 (1- of 1894) and in consonance with Govt. letter No. U. O. CS (LM)-1/2014 Dated 5th August, 2014 after careful examination of the claims by the interested persons, pass the following award with reasons thereof.

The total area of land acquisition of 1732.432 Ha falling in Etalin, Anelih and Arzoo Circles of Dibang Valley District, Arunachal Pradesh being acquired under the following provisions of stipulated Acts-Section-24(1)-a of “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 clarified that ‘In any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894; where no award under Section-11 has been made, then, all provisions of this Act relating to the determination of compensation shall apply’. Therefore, for computation of compensation, procedures specified in the First Schedule of “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” have been adhered to.

The market value of the land assessed and determined as per the provision made under Section 26 of the Act. A board comprising of Administrative/Agriculture/Horticulture Department Officers had been constituted under the Chairmanship of the Deputy Commissioner, in order to obtain opinions regarding the fixation of the market value of the land. The minimum price per unit area, which were decided after detailed investigation and comparing the price of adjoining District under different land categories was recommended and consequently approved by the Department of Land Management, Itanagar vide notification No. LR-43/81(Vol-II) Pt. Dated 8th January, 2014, No. LR-43/81(Vol-II) Pt. Dated 4th August, 2014 and LM-43/81(Vol-II) Pt dated 8th July, 2015. The register sale deed or agreements to sell as mentioned in clause (a)d of sub-section (l) for similar land were not available for the immediate preceding three years and as well for this area the market value has not been specified

under the Indian Stamp Act, 1899 by the appropriate authority.

The factor with which the market value is to be multiplied for computation of compensation in case of rural areas, procedure described in Govt. of India, New Delhi Gazette Notification No. 364 New Delhi Tuesday February 9th 2016 that in case of rural areas, the factor by which the market value is to be multiplied shall be 2.00 (two).

The next aspect to be considered in the award is compensation to be awarded for building and other immovable property, or assets e.g. Trees and plants, horticulture and agriculture crop etc. For this purpose, a board consisting Administrative officer/Deputy Director of Agriculture/District Horticulture Officer/EE, PWD/DLRSO/DFO/ All line Department officers under the Chairmanship of DC, Anini was constituted by Deputy Commissioner, Anini on 28th August, 2018 and approved to Award the compensation for DMP.

Further section-30 provides that “solatium” amount determined as per the procedures mentioned against serial number 5 under column 93) of the “The First Schedule” of the Act. In addition to it section-30(3) of the Act stipulates the collector shall be guided by the provisions that an amount calculated at the rate of 12% per annum on such market value for the period commencing on and from the date of the publication of the preliminary notice to the date of award of the collector (Preliminary Notification-the Govt. of Arunachal Pradesh vide letter No. LM-15/2009(pt) dated 27th August, 2013 (Published in Gazette of State vide No. 187 Vol. xx Naharlagun, Monday 14th October 2013) or date of taking possession of the land, whichever is earlier.

Accordingly a total amount of Rs. 1601,39,31,725.00/ (Rupees One Thousand Six Hundred One Crore Thirty Nine Lakhs Thirty One Thousand Seven Hundred Twenty Five) Only including 3% and 7% for contingencies & establishment charges was finalized as per the Notification No. LM-134/2011 dated 12th January, 2016 and is being hereby, awarded as compensation. The NHPC authority for whose purpose the land is acquired is hereby to deposit the amount in the office of the Collector for disbursement to the affected people.

It is made clear that the standing tree/forest product has been assessed independently by Forest Department and as per their assessment forest product bills has been approved.

It is also made clear that this award shall not in any way affect or alter the relief and rehabilitation package formulated for 2880 MW Dibang Multipurpose Project for the benefit of the project affected people.

The last point to be resolved while passing the award is the apportionment of the amount of compensation among affected people. The apportionment is carried out as indicated in the Annexure-A.

Therefore, the award is accordingly finalized in the office of the Deputy Commissioner/District Collector, Dibang Valley District, Anini on this day of 7th September, 2018.

(Tamune Miso)

Abstract of Total Cost To Be Awarded Under 2800(MW) Dibang Multipurpose Project (NHPC) in Dibang Valley District									
Sl. No.	Name of Village	Area in Sqm	Area in Ha	Market value(Rs)	Amount (Rs)	Estt. Charges@7%	Cont. Charges@3%	Customary Rights	Gross Total(Rs)
1	Akaya	274431.00	27.443	75114276.00	468027673.40	5257999.32	2253428.28	4281123.60	479820225.00
2	Akhora	399690.00	39.969	23981400.00	187414440.00	1678698.00	719442.00	6235164.00	196047744.00
3	Akuli	24430.00	2.443	2871200.00	31597080.00	200984.00	86136.00	381108.00	32265308.00
4	Alili/Eprali/Echombr a/Luyi	503800.00	50.380	53920404.50	1088398603.00	3774428.32	1617812.14	7859280.00	1101649923.00
5	Amili-I&II	1258630.00	125.863	129936050.00	843003020.00	9095523.50	3898081.50	19634628.00	875631253.00
6	Amrali	1279500.00	127.950	81765990.00	792386374.00	5723619.30	2452979.70	19960200.00	820523173.00
7	Amuli	1130270.00	113.027	67816200.00	534146520	4747134.00	2034486.00	17632212.00	558560352.00
8	Anilih	552820.00	55.282	51139950.00	380989790.00	3579796.50	1534198.50	8623992.00	394727777.00
9	Angapo	376400.00	37.640	24691775.00	194148595.00	1728424.25	740753.25	5871840.00	202489613.00
10	Angolin	163540.00	16.354	13691470.80	165309597.20	958402.96	410744.12	2551224.00	169229968.00
11	Apako	1445060.00	144.506	88447600.00	1202655000.00	6191332.00	2653428.00	22542936.00	1234042696.00
12	Aprunli	39100.00	3.910	1955000.00	23621000.00	136850.00	58650.00	609960.00	24426460.00
13	Arzoo	1145740.00	114.574	120719090.00	891535789.00	8450336.30	3621572.70	17873544.00	921481242.00
14	Atali	27400.00	2.740	1622000.00	28431120.00	113540.00	48660.00	427440.00	29020760.00
15	Attaya	229590.00	22.959	13775400.00	365096400.00	964278.00	413262.00	3581604.00	370055544.00
16	Briyito	564680.00	56.468	59508940.00	447649281.50	4165625.80	1785268.20	8809008.00	462409184.00
17	Echili	601170.00	60.117	30058500.00	185469100.00	2104095.00	901755.00	9378252.00	197853202.00
18	Echindo	826630.00	82.663	86871890.00	666663499.00	6081032.30	2606156.70	12895428.00	688246116.00
19	Embrali	36700.00	3.670	1861550.00	15460405.00	130308.50	55846.50	572520.00	16219080.00
20	Grinli	57880.00	5.788	5851490.00	67670644.00	409604.30	175544.70	902928.00	69158721.00
21	Gunli	876640.00	87.664	51913640.00	371501574.00	3633954.80	1557409.20	13675584.00	390368522.00
22	Kano	810100.00	81.010	226663576.00	1490520903.00	15866450.32	6799907.28	12637560.00	1525824821.00
23	Kronli	1048570.00	104.857	67783100.00	637539884.00	4744817.00	2033493.00	16357692.00	660675886.00
24	Lopo	32100.00	3.210	1926000.00	12923600.00	134820.00	57780.00	500760.00	13616960.00
25	Mrambo	210000.00	21.000	16600000.00	141473600.00	1162000.00	498000.00	3276000.00	146409600.00
26	New Anaya	468210.00	46.821	104123100.00	1474725021.00	7288617.00	3123693.00	1304076.00	1492441407.00
27	New Endolin	1529940.00	152.994	109984680.00	1386450653.00	7698927.60	3299540.40	23867064.00	1421316185.00
28	Pulu Anguli	522600.00	52.260	26130000.00	240526000.00	1829100.00	783900.00	8152560.00	251291560.00
29	Ryani	141570.00	14.157	8461800.00	54228700.00	592326.00	253854.00	2208492.00	57283372.00
30	Wanli	402059.75	40.206	25677677.50	272792921.90	1797437.43	770330.33	6272132.10	281632822.00
31	Awali	386931.00	38.693	102899454.00	912886179.80	7202961.78	3086983.62	6036123.60	929212249.00
Total		17366181.75	1736.618	1677763203.80	15575242967.80	117443424.27	50332896.11	270912435.30	16013931725.00

15. On perusal of the award dated 07.09.2018, passed by the Deputy

Commissioner, Dibang Valley District, Anini, it is noticed that though the award has been indicated to have passed under Section 11 of the Land Acquisition Act, 1894, for 2800 MW Dibang Multipurpose Project, determining a compensation amount of Rs.1601,39,31,725/-, payable the aforesaid compensation amount has been determined by following the principles of the Act of 2013. The appellants herein, along with other writ petitioners in WP(C)No. 60(AP)/2022, claims to be the villagers of Akaya village. The abstract of total cost to be awarded under 2800 MW Dibang Multipurpose Project NHPC Dibang Valley District, which is at page-124 of the appeal, stated to be a part of the award dated 07.09.2018, it is noticed that for the village of Akaya, an amount of Rs.468027673.40/- has been determined. Though, the award dated 07.09.2018, passed by the Deputy Commissioner, Dibang Valley District, Anini is stated to have been put to challenge by the NHPC Ltd. in WP(C) No.171(AP)/2020, the fact remains that the award dated 07.09.2018 has neither been modified nor rescinded and the award remains valid till date. Once the award has been passed in accordance with the law relating to land acquisition, unless the award is modified or rescinded, the award is executable and the compensation earmarked therein, is entitled to be received by the parties, for whom the amount has been determined in the award. Whether it is the Land Acquisition Act, 1894 or the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, after the award is passed by the competent authority, there is no provision in either of the law that there can be any settlement on a compromise basis between/amongst the parties. Any such settlement arrived at, on a mutual understanding between/amongst the parties would, therefore, be contrary to the law enacted by the legislature, namely, the 1894 Act or the Act of 2013, as the case may be.

16. In view of the above, we are of the view that after the award dated 07.09.2018 has been passed by the Deputy Commissioner, Dibang Valley District, Anini, under Section 11 of the Land Acquisition Act, 1894, by following the principle

laid down in the Act of 2013, the respondent authorities could not have resorted to an amicable settlement amongst the parties at a much much lower amount of Rs.640.00 crore than the amount determined in the award dated 07.09.2018, which is to the tune of Rs.1601,39,31,725/-. Accordingly, we are of the view that the impugned judgment and order of the learned Single Judge, dated 11.05.2022, passed in the writ petition being WP(C) No.60(AP)2022 insofar it has answered in affirmative to the issue Nos.(a) and (b) needs interference, which we do hereby, accordingly.

17. Insofar as the issue No.(c) is concerned, since the award dated 07.09.2018 has been put to challenge by the NHPC Ltd. in WP(C)171(AP)2020, and also, some of the project affected persons are stated to have filed a writ petition, being WP(C) No.31(AP)/2020, praying for payment of the compensation as determined in the award dated 17.09.2018, which is pending adjudication by this Court, we provide that the entitlement of the appellants/petitioners to the compensation determined in their favour vide award dated 07.09.2018 shall be subject to the outcome of both the writ petitions, i.e., WP(C) No.171(AP)2020 and WP(C) No.31(AP)2020.

18. Insofar as the issue No.(d) is concerned, since neither of the parties have contested the finding recorded by the learned Single Judge on the issue No.(d), no decision is rendered on the legality of the finding recorded by the learned Single Judge on issue No.(d).

19. The appeal stands disposed of, with the above observations.

JUDGE

JUDGE