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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 13.02.2025***+ **LA.APP. 257/2014****MAJ GEN VIRENDRA KUMAR JAIN****.....Appellant**Through: Ms. Ruchira Gupta, Ms. Pooja
Tripathi, Mr. Amit Kumar, Advs.

versus

UNION OF INDIA & ANR**.....Respondents**Through: Mr. Sanjay Kumar Pathak Standing
Counsel, for R-1/UID with Mr. Sunil
Kumar Jha, Advocate.
Ms. Shobhana Takiar, Standing
Counsel with Mr. Kuljeet Singh, Adv.
for R-2/DDA**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Appeal has been filed by the Appellant under Section 54 of the Land Acquisition Act, 1894 against a judgment dated 31.05.2011 passed by Ld. ADJ-01, Dwarka Courts, Delhi [hereinafter referred to as "Impugned Judgment"] in LAC No. 224/09/06 captioned ***Maj. Gen. Virender Kumar Jain vs. Union of India and Ors.***
2. The record shows that the present Appeal was dismissed by an order dated 06.05.2015 passed by a Coordinate Bench of this Court on the ground of delay in filing the appeal. The Coordinate Bench gave a finding that given length of the delay and the conduct of the party, it is not a fit case to condone the delay.



3. The Appellant challenged this Order dated 06.05.2015 passed by the Coordinate Bench before the Supreme Court in Civil Appeal No. 3880 of 2023 captioned as ***Major Gen Virendra Kumar Jain v. Union of India Land Acquisition Collector & Anr.*** The Supreme Court by an order dated 19.05.2023 condoned the delay and remanded the matter to the High Court to be examined afresh. The Supreme Court, however, directed that the interest for the period of delay of 950 days in approaching the High Court and 594 days spent in the Supreme Court i.e. a total of 1544 days would not be granted to the Appellant. The relevant extract of the order is reproduced below:

“.....The appeal filed by the appellant is restored to file of the High Court.

The High Court while re-determining the matter if arrives at the conclusion that the market value is to be enhanced and the compensation is thereafter to be paid, the High Court may decline to grant interest for the period of delay of 1544 days(950+594) in approaching the Court. Insofar as the consideration of the appropriate market value, the judgments relied upon by the appellant in the cases of *Dhiraj Singh(dead) Through Legal Representatives & Ors. Vs. State of Haryana & Ors.*, reported in (2014) 14 SCC 127 and *Ningappa Thotappa Angadi (D) through Lrs. Vs. Special Land Acquisition Officer & Anr.* reported in (2020) 19 SCC 599 may also be taken into consideration and find out as to whether the same would apply to the facts of the case.”

[Emphasis Supplied]

4. Briefly the facts are that the land in question is situated in village Pochanpur. A notification under Section 4 of the Land Acquisition Act, 1894 [hereinafter referred to as “LA Act”] was issued on 13.12.2000 and the notification under Section 6 of the LA Act was issued on 07.12.2001. The land admeasuring 1 bigha 9 biswas situated in Khasra no. 18/10 min and 19/8 min pertaining to block ‘A’ category in village Pochanpur [hereinafter



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referred to as ‘subject land’] was acquired vide award No. 30/2002-03 and the Land Acquisition Collector [hereinafter referred to as “LAC”] fixed the market value of the land at Rs. 13.82 lacs per acre. Being dissatisfied by the value given, a Reference Petition under Section 18 of the LA Act was filed by the Appellant seeking enhancement of compensation. By the Impugned Judgment the reference petition was dismissed by the learned Trial Court holding that the Land Acquisition Collector had rightly assessed the market value of the land.

5. This led to the filing of the present Appeal. The Appeal filed before this Court is with respect of 50% ownership of the subject land which is owned by the Appellant [hereinafter referred to as ‘Appellant’s land’]. The other 50% of the subject land was owned by the Appellant’s ex-wife, Mrs. Poonam Kaul [hereinafter referred to as ‘Mrs. Kaul’].

6. The said Mrs. Kaul had also filed a separate Reference Petition for enhancement of the amount of compensation awarded by the LAC who had similarly awarded compensation at the rate of Rs.13.82 lacs per acre. The challenge to this Award filed by Mrs. Kaul which was dismissed on 19.05.2010 by the learned Reference Court.

6.1 This dismissal was challenged by Mrs. Kaul before this Court in LA.APP.158/2012. A Coordinate Bench of this Court by a judgment dated 09.10.2012 enhanced the award from Rs.13.82 lacs per acre to Rs.16.50 lacs per acre in Block A of village Pochanpur following a decision in **Ranbir Sharma v. Union of India & Anr.**¹ wherein the land in Category A Village Pochunpur was enhanced to Rs.16.5 lacs per acre.

¹2012 SCC OnLine Del 110



7. The matter did not end there. Mrs. Kaul, then filed a Special Leave Petition before the Supreme Court seeking to challenge the judgment dated 09.10.2012. The Supreme Court by an order dated 13.02.2014 in Civil Appeal No. 2091 of 2014 captioned as ***Impulse India P. Ltd. v. Union of India & Anr.***² allowed the challenge of Mrs. Kaul (and various other parties) and enhanced the value of compensation to be awarded from Rs.16.50 lacs per acre to Rs.21 lacs per acre for Block 'A' lands. The Supreme Court also directed that this enhancement would be common to all lands in Bharthal, Bijwasan, Pochanpur and Dhul Saras village under award no. 26, 28, 30 and 27 of 2002-2003 respectively. The relevant extract of order dated 13.02.2014 passed by the Supreme Court is reproduced below:

"7. The notice was issued for inviting claims from the interested persons under Section 9 and 10 of the Act. After receipt of the claim, the Land Acquisition Collector has passed four separate awards in respect of the villages: Bharthal, Bijwasan, Pochanpur and Dhul Saras villages in Award Nos.26, 28, 30 and 27 of 2002-2003 respectively. By the said awards, the Land Acquisition Officer/Collector had fixed the compensation payable to the lands so acquired at the rate of Rs.13.82 lacs per acre for Block 'A' lands (level field - with top soil) and Rs.12.32 lacs per acre for Block 'B' lands (without top soil) respectively.

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13. We have carefully perused the award(s) passed by the Land Acquisition Officer/Collector, the Reference Court as well as the High Court. In our view, the compensation so awarded by the authorities as well as the High Court is on a lesser side. Therefore, keeping in view the peculiar facts and circumstances of the case, and also other factors, we intend to increase the compensation so awarded by the High Court for Block 'A' lands from Rs.16.50/- lacs to Rs.21/- lacs per acre and from Rs.14.60/- lacs to Rs.19/- lacs per acre for Block 'B' lands.

14. In the result, we allow the appeals filed by the claimants. We enhance the compensation awarded by the High Court for Block 'A' lands from

² (2017) 13 SCC 561



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Rs.16.50/- lacs to Rs.21/- lacs per acre and from Rs.14.60/- lacs to Rs.19/- lacs per acre for Block 'B' lands respectively. This compensation so awarded by us is common to all the lands in Bharthal, Bijwasan, Pochanpur and Dhul Saras villages. Needless to say that the appellants are entitled for all the statutory benefits provided under the provisions of the Land Acquisition Act, 1894."

[Emphasis Supplied]

8. The challenge raised by learned Counsel for the Appellant in the present Appeal was to the judgement passed by the Ld. Reference Court wherein the Reference Petition of the Appellant was dismissed and the market value as determined by the LAC was upheld. Given the fact that judgment has been passed in respect of one part of the subject land, which was jointly owned by the Appellant and Mrs. Kaul, directions as passed by the Supreme Court are clearly applicable to the Appellant in the present Appeal as well.

9. In these circumstances, the award of the subject land of the Appellant is enhanced to Rs.21 lacs per acre. The Appellant is at liberty to take appropriate steps in accordance with law.

10. The present Appeal is accordingly allowed.

11. However, as was directed by the Supreme Court, the Appellant shall not be granted interest for the period of 1544 days delay.

12. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

FEBRUARY 13, 2025/jn/ ha

[Click here to check corrigendum, if any](#)