

M/S NCC LTD

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 06.04.2015

W.P.(C) 6616/2014 & CM No.15736/2014

RAVI KUMAR GUPTA

..... Petitioner

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Madan Lal Sharma, Advocate.

For the Respondents : Mr Yeeshu Jain with Ms Jyoti Tyagi and Mr Siddharth Panda,
Advocates for respondent Nos.1 to 3.
Mr Dhanesh Relan, Advocate for respondent No.4.

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

1. The learned counsel for the petitioner states that this matter is covered by the decision of this Court in the case of **Girish Chhabra vs. Lt. Governor of Delhi and Ors.**: W.P.(C) 2759/2011 decided on 12.09.2014. He states that although possession of the subject land has been taken, the award under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') was made more than five years prior to the commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act'), which came into effect on 01.01.2014. In this case Award No.20/92-93 was made on 19.06.1992. He also states that compensation has not yet been paid to the petitioner. Therefore, the requirements of section 24(2) of the 2013 Act have been fulfilled and the petitioner is entitled to a declaration that the subject acquisition under the 1894 Act has lapsed. The land in question is situated in Village Madanpur Khadar, Tehsil Kalkaji, New Delhi in Khasra No.505 Min (1-15) measuring 1 bigha 15 biswas in all.

2. Admittedly, though physical possession of the subject land has been taken on 03.12.2012, compensation has not been paid to the petitioner. The Award is also more than five years prior to the commencement of the 2013 Act. Consequently, the decision of this Court in *Girish Chhabra (supra)* applies on all fours and the subject acquisition has lapsed.

3. The learned counsel for the respondents has also submitted that the compensation amount has been deposited in the Court under Section 30/31 of the 1894 Act. But that deposit was made on 28.10.2014. This is much after 01.01.2014 when the 2013 Act had come into force. The acquisition would be deemed to have lapsed on 01.01.2014 and, therefore, the subsequent deposit in the Court would be of no consequence. In any event,

the learned counsel for the petitioner submits that there was no dispute whatsoever and, therefore, such a deposit could not have been made. We need not examine this aspect of the matter because the deposit was made much after the 2013 Act came into force i.e. on 01.01.2014.

4. The writ petition is allowed by declaring that the acquisition in respect of the subject land has lapsed. There shall be no order as to costs.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

APRIL 6, 2015
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