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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **LA.APP. 8/2015 and C.M. Appl. No. 197/2015 (under Order 41 Rule 4 CPC, for stay), 198/2015 (under Order 41 Rule 3A CPC, for condonation of delay in filing) and 199/2015 (under Order 41 Rule 3A CPC, for condonation of delay in re-filing)**

UNION OF INDIA

..... Appellant

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates.

versus

VIRESH GUPTA & ORS

..... Respondents

Through: Mr. R.S. Dalal, Advocate for R-1.
Ms. Sakshi Vaid and Mr. Kunal
Sharma, Advocate for R-3/DDA.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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16.08.2016

1. Learned counsel for the appellant could not dispute that the issue of enhancement of rate of compensation in the present case stands decided by the judgment of the learned Single Judge of this Court in the case titled as *Jai Singh Vs. Union of India* in LA. Appeal No. 266/2008 decided on 23.8.2011.

2. In this judgment the operative paragraph pertaining to village Holambi Kalan, where the suit land is situated, is paragraph 93 and this paragraph reads as under:-

“93. As noted by me pertaining to the notification dated 23.5.2002 relating to village Holambi Kalan all lands

have been treated in the same category by the learned Land Acquisition Collector and the learned Reference Court. The learned Reference Court has awarded compensation in sum of Rs.22,14,239/- per acre which I have found to be excessive inasmuch as for the date 23.5.2002 I have held that fair market value would be Rs.18,65,500/- per acre and thus all appeals and cross objections filed by the land owners as per 'GRID-N' are dismissed and appeals and cross objections filed by Union of India are allowed by modifying the impugned decree passed by the learned Reference Court and reducing the compensation payable to Rs.18,65,500/- per acre on which, needless to state, with reference to the enhanced price with reference to the award the statutory benefits already granted stand maintained. No costs."

3. In view of the above and in view of the ratio in the case of *Jai Singh (supra)*, this appeal is dismissed.

VALMIKI J. MEHTA, J

AUGUST 16, 2016

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