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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LA.APP. 44/2018**

BALWAN SINGH & ORS Appellants
Through: Mr. L.B. Rai and Ms. Aishwarya
Tyagi, Advocates (M: 9810614546).

versus

UNION OF INDIA & ANR Respondents
Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advocates for R-1 (M: 9711684779).

26 **WITH**
+ **LA.APP. 46/2018**

BHARATI BHUTANI Appellant
Through: Mr. L.B. Rai and Ms. Aishwarya
Tyagi, Advocates (M: 9810614546).

versus

UNION OF INDIA & ANR Respondents
Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advocates for R-1 (M: 9711684779).
Ms. Prabhsahay Kaur, Standing
Counsel for DDA with Ms. Shruti
Gola, Advocate for DDA, R-2 (M:
081158581).

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **30.01.2020**

1. The present two appeals arise out of the impugned order dated 13th October, 2017 by which the Reference Court had fixed the compensation amount as Rs. 18,99,221/- per acre. The appeals relate to award No. 6/DCW

/2006-2007, dated 29th December, 2006 of village Bakkarwala. The LAC had initially fixed the compensation at approximately Rs. 15,70,000/- per acre, which was enhanced to Rs. 18,99,221/- per acre by the impugned order. The present appeal has been filed seeking enhancement of compensation.

2. Ld. counsel, Mr. L.B. Rai appearing for the Appellant submits that in the case of ***Jamna v. Union of India and Others, LA. APP. 784/2005 (Decided on 8th July, 2011)***, wherein the very same village was concerned, a ld. Single Judge of this Court had fixed the compensation amount of Rs. 20,43,76.80/- per acre as on 24th September, 2003. He relies upon the orders passed in ***Mange Ram. Vs. Union of India & Ors., LA APP. 128/2012*** wherein a ld. Single Judge had considered the acquisition proceedings in respect of the same village, Bakkarwala, and enhanced the compensation to Rs. 22,71,270.97/- per acre vide orders dated 24th April, 2012 read with order dated 26th September, 2012. He submits that the Section 4 notification in the said appeal of ***Mange Ram (supra)*** was dated 13th December, 2004 and hence applying the depreciation of approximately two months in the dates of notification, the compensation should be Rs. 22,14,489/- as the Section 4 notification in the present petition is dated 8th October, 2004.

3. Ld. counsel for the Respondents, on the other hand, submits that the impugned order does not have any infirmity. The ld. Reference Court has, in fact, followed the judgement in ***Satbir Singh v Union of India L.A. APP. 151/2002 (Decided on 24th April, 2012)***, which was relied upon by the Appellants themselves before the said Court in fixing the amount of compensation at Rs. 18,99,99,221/-. He submits that the enhancement now claimed is not made out.

4. The Court has considered the impugned order as also the judgment in ***Jamna v. Union of India and Others (supra)*** and in ***Mange Ram & Ors. Vs. Union of India (supra)***. There is no doubt that the notification in these cases are different, however, they relate to the same village i.e. Bakkarwala. In the case of ***Mange Ram***, the compensation was fixed at Rs. 22,71,270.97/- and the difference in the dates of the notification is just approximately two months. Thus, by applying the principle of depreciation, which is also what is relied upon by the Respondents, the amount of compensation would be Rs. 22,14,489/-, as per the calculation given by the Ld. Counsel for the Petitioner. Even if the calculation is done on the basis of the judgement in ***Jamna***, in which the notification was dated 24th September, 2003, the appreciation which may be granted would also make the amount of Rs. 22,98,460/- per acre. Accordingly, the fair market value in the present two appeals is determined to be Rs. 22,14,489/- per acre as on 8th October, 2004. Interest shall be payable only till the date of the impugned order dated 13th October, 2017. Adjustment shall be given for payments already made.

5. Both appeals with all pending applications are disposed of.

PRATHIBA M. SINGH, J

JANUARY 30, 2020
MR