

WPA 5902 of 2022

Aparna Kumar
Vs.
Union of India & Ors.

Mr. Arindam Das	
Ms. Priyanka Kundu	...for the petitioner.
Mr. Chandi Charan De	
Mr. Anirban Sarkar	...for the State.
Ms. Manika Roy	...for NHAI.

Report in the form of affidavit submitted on behalf of respondent nos.6 to 8 is taken on record.

Heard learned counsels for the parties.

The petitioner primarily assails copy of the award provided to him under Section 3G(1) of the National Highways Act, 1956 on the ground that the said award does not include the components of Section 3G(7) of the Act.

It appears from the report in the form of affidavit submitted on behalf of the State respondents this day that the award under Section 3G(1) of the Act of 1956 was prepared on 14th December, 2021 which is also the case of the petitioner. A plain reading of the award reveals that the components of Section 3G(7) of the Act have not been included in the award.

Learned counsel for the National Highways Authority of India submits that the entire amount of compensation

including 100% solatium and additional compensation at the rate of 12% under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the entire Mouza has been deposited before the competent authority.

Learned counsel for the National Highways Authority of India does not intend to submit further report as sought.

Since it is evident from the award under Section 3G(1) of the Act of 1956 that the components under Section 3G(7) have not been included therein, the said award needs to be set aside.

The award under Section 3G(1) of the Act of 1956 passed on 14th December, 2021 is set aside.

In view of the above, the writ petition is disposed of directing the competent authority, being the 7th respondent herein, to assess the award afresh under Section 3G(1) of the Act of 1956 upon taking into consideration the components of Section 3G(7) of the Act and upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law. The entire exercise is expected to be completed within three months from the date of communication of this order.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above instructions and observations the writ petition being WPA 5902 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)