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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 16/2021

DEVI RAM

.....Appellant

Through: Mr.R.M. Bagai, Mr.Chinmaya K. Bhatt
and Ms.Amrita Pandey, Advocates

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr.Siddharth Panda, Advocate for UOI
Mr.Rajesh Gupta, Advocate for NTPC

+ LA.APP. 62/2021, CM APPL. 31193/2021 and
CM APPL. 21800/2022

UNION OF INDIA

.....Appellant

Through: Mr.Siddharth Panda, Advocate for UOI
versus

DEVI RAM & ANR.

.....Respondents

Through: Mr.R.M. Bagai, Mr.Chinmaya K. Bhatt
and Ms.Amrita Pandey, Advocates for respondent
No.1

Mr.Rajesh Gupta, Advocate for NTPC

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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26.03.2025

1. By way of present appeals, both the landowner as well as Union of India have assailed the impugned judgment dated 23.10.2019 dated passed by the Reference Court in LAC-02/2019 pursuant to notification under Section 4 of the Land Acquisition Act vide Notification No.F.15(1)/69-L&H dated 06.01.1969. While the landowner seeks further enhancement of the compensation, cross objection has been filed by Union of India.

2. The aforesaid impugned judgment came to be passed in the context of an award dated 27.02.1970 passed by the Land Acquisition Collector under



Section 28 of the Land Acquisition Act with respect to the proceedings carried out in the context for determining the compensation for land measuring 779 bighas 12 biswas situated in village *Aali*.

3. During the pendency of the present appeals, vide order dated 11.01.2024, it was brought to the notice of the Court that National Thermal Power Corporation (NTPC), for whose benefit the land was acquired, was not made a party before the Reference Court. The Court noted the decision of the Supreme Court in Delhi Development Authority V Bhola Nath Sharma (Dead) by LRs and Others reported as **(2011) 2 SCC 54**, paras 27, 28 and 29 whereof provide as under:-

“27. In view of the above discussion, we hold that :

- (i) the DDA falls within the definition of the expressions “local authority” [Section 3(aa)] and “person interested” [Section 3(b)] of the Act;*
- (ii) the DDA was entitled to participate in the proceedings held before the Land Acquisition Collector;*
- (iii) the failure of the Land Acquisition Collector to issue notice to the DDA and give an opportunity to it to adduce evidence for the purpose of determining the amount of compensation payable to the land owners was fatal to the award passed by him;*
- (iv) the DDA was entitled to notice and opportunity to adduce evidence before the Reference Court could enhance market value of the acquired land entitling the respondents to claim higher compensation and, as no notice or opportunity was given to the DDA by the Reference Court, the judgments rendered by it are liable to be treated as nullity;*
- (v) the Division Bench of the High Court also committed serious error by further enhancing the amount of compensation payable to the contesting*



respondents without requiring them to implead the DDA as party respondent so as to enable it to contest their prayer for grant of higher compensation.

28. In the result, the appeals are allowed. The impugned judgment of the Division Bench of the High Court as also the judgments of the Reference Court are set aside and the matters are remitted to the Reference Court for deciding the two references afresh after giving opportunity of hearing to the parties, which shall necessarily include opportunity to adduce evidence for the purpose of determining the amount of compensation. The Reference Court shall decide the matter without being influenced by the observations contained in the judgment of the High Court and this judgment.

29. In view of the above conclusions, the cross-objections filed on behalf of the Union of India and the Land Acquisition Collector in C.A. Nos.6564 and 6565 of 2001 are disposed of as infructuous. However, as the judgments of the Reference Court and the High Court have been set aside and a direction has been given for fresh determination of the amount of compensation payable to the respondents, the Union of India and the Land Acquisition Collector shall be free to participate in the proceedings before the Reference Court.”

4. Learned counsel for the petitioner as well as Union of India do not dispute the aforesaid position of law and submit that they have no objection if the matter be remanded back to the Reference Court for NTPC to lead its evidence. They, however, pray that the award being of the year 1970, the Reference Court may expedite the proceedings. The parties shall be at liberty to make an appropriate request before the Reference Court which shall consider the same.

5. Accordingly, the impugned judgment is set aside and the matter is remanded back to the Reference Court for deciding the reference afresh after



giving notice of hearing as well as opportunity to lead evidence/cross-examination to the parties for determining the amount of compensation.

6. Let the matter be listed before the concerned District Judge, South-East, Saket Courts at the first instance for directions on 15.04.2025.

7. In view of the above, the present appeals are disposed of alongwith the pending applications.

MANOJ KUMAR OHRI, J

MARCH 26, 2025

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