GAHC010265782025

2026:GAU-AS:15553

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./285/2025

SRI ALOK BAGARIA AND ANR
DIST. DIBRUGARH

2: SRI RANJIT BAGARIA
BOTH ARE SONS OF LATE PRAHLADRAI BAGARIA
R/O BEHEATING TEA ESTATE
P.S. BARBARUAH
P.O. AND DIST. DIBRUGARH
ASSAM

VERSUS

THE COLLECTOR CUM DEPUTY COMMISSIONER, AND 2 ORS
DIBRUGARH, DISTRICT - DIBRUGARH, ASSAM

2:THE BRAHMAPUTRA CRAKER AND POLYMER LIMITED
LEPETKATA
- DISTRICT DIBRUGARH
ASSAM
REPRESENTED BY ITS MANAGING DIRECTOR.

2:THE BRAHMAPUTRA CRAKER AND POLYMER LTD.

LEPETKATA
DIST. DIBRUGARH
ASSAM
REPRESENTED BY ITS MANGING DIRECTOR.

3:THE STATE OF ASSAM
REPRESENTED BY ITS CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI - 781006.

3:THE STATE OF ASSAM

REPRESENTED BY ITS CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI 78100

Advocate for the Petitioner : MR. SAILENDRA DEKA, MS L RONGPIPI,MR JITENDRA DAS

Advocate for the Respondent : GA, ASSAM, MR. A BHATTACHARJEE (R-2),MR. M NATH(R-2)

Linked Case : Review.Pet./292/2025

THE COLLECTOR CUM DEPUTY COMMISSIONER DIBRUGARH AND ANR

DIST. DIBRUGARH
ASSAM.

2: THE STATE OF ASSAM
REPRESENTED BY ITS CHIEF CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI. PIN-781006
VERSUS

ALOK BAGARIA AND ANR
S/O LATE PRAHLADRAI BAGARIA
RESIDENT OF BEHEATING TEA ESTATE
P.S. BARBARUAH
P.O. AND DISTRICT-DIBRUGARH
ASSAM.

2:SRI RANJIT BAGARIA
S/O LATE PRAHLADRAI BAGARIA
RESIDENT OF BEHEATING TEA ESTATE
P.S. BARBARUAH
P.O. AND DISTRICT-DIBRUGARH
ASSAM

::BEFORE ::

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

For the Petitioners : Mr. S. Deka, Advocate

For the Respondents :Mr. D. Mozumdar, Addl. Advocate General
:Mrs. D. D. Barman, Addl. Sr. Govt. Advocate
:Mr. M. Nath, Senior Advocate
:Mr. A. Bhattacharjee, Advocate
(for respondent No. 2)

Date of Hearing : **30.07.2026**
Date of Judgment : **06.10.2026**

JUDGMENT & ORDER

1. Heard Mr. S. Deka, the learned counsel for the petitioners in the Review Petition No. 285/2025 and respondents in the Review Petition No. 292/2025. Also heard Mr. D. Mazumdar, the learned Senior Advocate-cum- Additional Advocate General, Assam assisted by Mrs. D.D. Barman, the learned Additional Senior Government Advocate for the State respondents in the Review Petition No. 285/2025 and the petitioners in the Review Petition No. 292/2025.Also heard Mr. M. Nath, the learned senior counsel assisted by Mr. A. Bhattacharjee, the learned counsel for the respondent No.2 in the Review Petition No. 285/2025.

2. By this common judgment, this Court proposes to dispose of two review petitions, namely, the Review Petition No. 285/2025 and the Review Petition No. 292/2025, as in both the review petitions, the judgment and order passed by this Court on 01.11.2025 in the L.A.

Appeal No. 2/2019 is sought to be reviewed under Section 114 read with Order 47, Rule 1 of the Code of Civil Procedure, 1908.

3. Whereas, the Review Petition No. 285/2025 has been filed by the appellants of the L.A. Appeal No. 2/2019, namely, Sri Alok Bagaria and Sri Ranjit Bagaria, seeking review of the aforementioned judgment. On the other hand, Review Petition No. 292/2025 has been filed by the respondents of the L.A. Appeal No. 2/2019, namely, the Collector-cum-Deputy Commissioner, Dibrugarh, as well as the State of Assam, represented by its Chief Secretary to the Government of Assam, seeking review of the aforementioned judgment and order passed in the L.A. Appeal No. 2/2019.

4. The facts relevant for consideration of both the above-mentioned review petitions, in brief, are that the predecessor-in-interest of the appellants of the L.A. Appeal No. 2/2019, namely, Bhawani Shankar Bagaria, had purchased the Beheating Tea Estate by a registered sale deed in 1960. Over the period of time, attempts by certain encroachers to secure tenancy *khatians* over portions of the land were rejected by the revenue authorities and they were held to be encroachers. While an initial land acquisition proceeding in the year 2000 was dropped after Reliance Industries declined to pursue a gas cracker project, the Assam Industrial Development Corporation (AIDC) revived the project in 2006. Consequently, the Collector-cum-Deputy Commissioner of Dibrugarh initiated acquisition proceedings under the Land Acquisition Act, 1894, covering 152 bighas 4 kathas 4 lechas of the tea estate for the project operated by Brahmaputra Cracker and Polymer Limited.

5. Following the acquisition notifications, the Collector notified an award

on March 23, 2007, valuing the acquired land at Rs. 1,00,000/- per bigha. Under this award, the appellants were granted Rs. 85,77,898/-as *zirat* compensation for 116 bighas 2 kathas 9 lechas, whereas encroachers occupying 36 bighas 1 katha 15 lechas were awarded Rs. 1,66,11,698/-. The appellants accepted the land value of Rs. 1,58,84,000/- under protest. A subsequent attempt by the State to cancel the grant for uncultivated portions, under the Assam Land and Revenue Regulation, 1886, was struck down by the High Court in WP(C) No. 2868/07. Later on, a reference was made under Section 30 of the Land Acquisition Act, 1894 regarding the land value apportionment, which was held by the District Judge as beyond the Collector's jurisdiction. Thereafter, the Collector -cum- Deputy Commissioner, Dibrugarh Directed to release the land value to the appellants.

6. Dissatisfied with the valuation of both the land and the *zirat*, the predecessor-in-interest of the appellants sought a reference under Section 18 of the Land Acquisition Act, 1894. Same was registered as L.A. Case No. 43/2010 before the District Judge, Dibrugarh. By the judgment dated March 21, 2016 (subsequently reviewed to rectify the computation and statutory solatium errors on May 16, 2016), the Reference Court enhanced the market value of the land to Rs. 3,00,000/- per bigha. However, the court held that this land value included standing assets and directed the deduction of the Rs. 85,77,898/- already disbursed as *zirat* compensation from the enhanced land compensation. Additionally, the Reference Court awarded compensation for 1 bigha 2 kathas of severed land at only one-third of the assessed land rate.

7. Aggrieved by the Reference Court’s determination, the appellants

preferred an appeal under Section 54 of the Act of 1894, before this Court, seeking a higher market valuation, parity with the *zirat* compensation rate given to encroachers, full valuation for the severed land, and reversal of the *zirat* deduction. This court, by the judgment under review, upheld the land rate of Rs. 3,00,000/- per bigha, the one-third assessment for the severed land, and the original *zirat* assessment. However, relying on Section 23(1) of the Act, this court held that land market value and *zirat* damage constitute distinct statutory heads of compensation that cannot be clubbed; this court, therefore, set aside the deduction of the Rs. 85,77,898/- *zirat* compensation and partly allowed the appeal. Now, both the review petitioners have filed the above-mentioned review petitions on different grounds.

8. Mr. D. Mazumdar, the learned Senior Counsel appearing for the review petitioner in Review Petition No. 292/2025, has submitted that the review petitioners in the said review petition are mainly aggrieved with the fact that the Court, while passing the judgment under review, did not consider the fact that the Reference Court, while passing the judgment in the L.A. Case No.43 of 2010, has specified the reasons for which it had excluded the *zirat* compensation from the value of the land. He submits that the Reference Court, relying on Exhibit-44, which is the sale permission for the tea plantation land, held that since Exhibit-44 is a sale permission, it would be natural for the concerned authorities to take into account the value of standing bushes on the land in order to arrive at the minimum permissible sale price. He submits that the Reference Court, while passing the judgment in L.A. Case No. 43 of 2010, has rightly held that the vendor certainly would not sell the land discounting the value of

the tea bushes, etc., standing thereon, and as such, unless it is shown that the land in question was a vacant land without any standing crops thereon, the valuation of such land would include the value of the standing crops also. He submits that the said reasoning of the Reference Court was not discarded by this Court while deciding point number (d) for determination formulated by it in the judgment under review, which, he submits, is an error apparent on the face of the record warranting review of the judgment passed in L.A. Appeal No.2 of 2019.

9. The learned Senior Counsel for the petitioners in Review Petition No. 292/2025 has submitted that if the judgment under review is allowed to remain as it is, it would amount to paying double compensation against *zirat* in the aforesaid case and would lead to unjust enrichment of the respondents. He submits that if the judgment passed in L.A. Appeal No. 2/2019 is not reviewed, it would result in a miscarriage of justice, and as such, he prays for reviewing the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/2019 accordingly. In support of his submission, the learned Senior Counsel for the review petitioner of Review Petition No. 292/2025 has cited the following rulings:

(i) ***Chandigarh Administration and Another v. Jagjit Singh and Another***, reported in (1995) 1 SCC 745;

(ii) ***Kamlesh Verma v. Mayawati and Others***, reported in (2013) 8 SCC 320.

10. On the other hand, Mr. S. Deka, the learned counsel for the respondents in Review Petition No. 292/2025 as well as the petitioners in Review Petition No. 285/2025, has submitted that this Court has rightly

decided point number (d) formulated by it for determination in the judgment under review. He submits that this Court has rightly held in the judgment under review that the Reference Court was wrong in deducting the *zirat* value, which was already paid to the appellants, from the enhanced value of the acquired land while paying compensation for the land acquired by the State respondents, as such deduction was found contrary to the statutory provisions contained in Section 23(1) "*Secondly"* of the Land Acquisition Act, 1894.

11. He submits that the arguments raised by the learned Senior Counsel for the petitioners in Review Petition No. 292/2025 in the instant review petition were also made by him while arguing in L.A. Appeal No. 2 of 2019, in which the judgment under review was passed. He submits that under the garb of filing a review petition, a party cannot be permitted to repeat old and overruled arguments for reopening the conclusions arrived at in a judgment. He submits that the power of review is not to be confused with appellate powers, which enable the superior court to correct errors committed by a subordinate court. In support of his submission, the learned counsel for the respondents in Review Petition No. 292/2025 has cited a ruling of the Apex Court in the case of "***S. Madhusudhan Reddy v. V. Narayana Reddy and Others*****,"** reported in (2022) 17 SCC 255.

12. The learned counsel for the review petitioner of Review Petition No. 285/2025 has submitted that the said review application has been filed by the petitioners mainly for seeking certain clarification, which were not stated in the judgment dated 01.11.2025 passed by this court in L.A. Appeal No. 2/2019, which is sought to be reviewed in these review

applications.

13. He submits that though this court held in the judgment under review that the deduction of *zirat* value from the enhanced value of acquired land by the Reference Court was correctly set aside by this court in the judgment under review as same was found contrary to the statutory provisions contained in Section 23(1) of the Land Acquisition Act, 1894. However, the fact that on the said amount, which was deducted from the enhanced value of the acquired land, the petitioners in Review Application No. 285/2025 are entitled to get 30% of solatium under Section 23(2) of the Land Acquisition Act, 1894 has not been stated clearly in the judgment under review. He submits same is required to be done to avoid any confusion while making payment of the enhanced value of the acquired land.

14. The learned counsel for the petitioners in Review Petition No. 285/2025 further submits that though in the judgment under review, this court held that the petitioners of Review Petition No. 285/2025 are entitled to amount which was deducted as *zirat* compensation from total compensation against market value of the acquired land along with interest thereon at the rate prescribed by the Land Acquisition Act, 1894, however, the interest to which the said petitioner/appellants are entitled to were not specifically stated therein which, he submits that, may lead to confusion. As such, he submits that the same fact may be clarified by reviewing the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/2019.

15. He submits that, as per Section 23 (1A) of the Land Acquisition Act, 1894, the petitioners/appellants are entitled to an additional

compensation at the rate of 12% per annum on the market value for the period commencing on and from the date of publication of notice under Section 4 (1) of the Act of 1894 to the date of award of the Collector or the date of taking possession of the land, whichever is earlier.

16. He further submits that in the instant case, the notification under Section 4(1) of the Land Acquisition Act, 1894 was published on 06.07.2006 and the award was passed on 23.03.2007, whereas the possession of the acquired land was taken over on 28.02.2008. He also submits that though the Deputy Collector, Dibrugarh had awarded additional compensation amount at the rate of 12% per annum over the *Zirat* compensation amount of Rs. 85,77,898/- for the said period, however, when the Reference Court directed to deduct the said *Zirat* compensation from the total compensation amount, the respondent, while making the payment to the petitioners in terms of the judgment of the Reference Court, has also deducted the additional compensation at the rate of 12% over the aforesaid *Zirat* compensation of Rs. 85,77,898/-, which the learned counsel for the petitioners in Review Petition No. 285/2025 submits that is the entitlement of the petitioners. As such, he submits that said clarification may be made by reviewing the judgment dated 01.11.2025 passed in L.A. Appeal Number No. 2/2019.

17. The learned counsel for the petitioners in Review Petition No. 285/2025 further submits that the petitioners are also entitled to the interest under Section 28 of the Land Acquisition Act of 1894 at the rate of 9% per annum over the excess amount of Rs. 85,77,898/- for one year from the date of taking possession and thereafter at the rate of 15% per annum till the date of payment, which is required to be clarified by reviewing the

judgment dated 01.11.2025 passed in L.A. Appeal No. 2/ 2019. He submits that such clarification will not only help the petitioners of Review Petition No. 285/2025, but also help the respondents, while making the calculation for amount to be paid to the petitioners in view of the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/2019.

18. The learned counsel for the petitioners in Review Petition No. 285/2025 further submits that the petitioners are also entitled to get interest under Section 34 of the Land Acquisition Act, 1894 at the rate of 9% per annum over the excess amount of Rs. 85,77,898/- for one year from the date of taking possession and thereafter at the rate of 15% till the date of payment.

19. The learned counsel for the petitioners in Review Petition No. 285/2025 further submits that the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/2019 requires review also because of the fact that it failed to take into consideration that 2400 numbers of tea bushes per Bigha has to be taken into consideration while calculating the *Zirat* compensation of the acquired land. However, while calculating the *Zirat* compensation payable to the petitioners/ appellants, the respondents have taken into consideration only 1203 numbers of tea bushes per Bigha and said fact has not been considered by this court in the judgment under review. As such, he submits that there is an error apparent on the face of record justifying the review of the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/ 2019.

20. Though, some other grounds were also taken in the Review Petition No. 285/2025 for seeking review of the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/ 2019, however, the learned counsel for the

petitioner did not press the same much during hearing.

21. I have considered the submissions made by the learned counsel for both sides and have gone through the materials on record. I have also gone through the rulings cited by the learned counsel for both sides in support of their respective submissions.

22. While deciding the L.A. Appeal No. 2/2019 by the judgment dated 01.11.2025, which is sought to be reviewed in this review application, this Court formulated four points for determination. The fourth point, that is point No. (d), is reproduced hereinbelow:

> *"Whether the Reference Court was correct in deducting the zirat value, which was already paid to the appellants, from the enhanced value of the acquired land assessed by it while paying compensation for land acquired by the respondent No. 1?"*

23. While deciding the said point for determination, this Court has observed in paragraph No. 60 of the judgment which is sought to be reviewed that the Land Acquisition Act of 1894, in Section 23(1), provides for the method of determining the amount of compensation to be awarded for land acquired under the said Act. It also observed that in the said provision, under the clause *secondly*, the damage sustained by the person interested by the reason of taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof shall have to be separately considered. Hence, it was held that the compensation assessed against the damage caused to *zirat* cannot be deducted from the compensation assessed against the market value of

the land at the date of notification under Section 4 of the Act.

24. By the said reasoning, this Court had impliedly discarded the reasoning of the Reference Court that the market value of the land which was acquired includes the value of the *zirat*. Moreover, in Exhibit 44, there is no indication that valuation of the land mentioned there includes the value of the *zirat* there. Hence, the reasoning of the Reference Court was impliedly discarded by this Court while passing the judgment which is sought to be reviewed in this review petition.In this context, the observations made by the Apex Court in the case of ***S. Madhusudhan Reddy v. V. Narayana Reddy & Ors. (supra)*** are reproduced hereinbelow:

> ***24.*** *It is also settled law that in exercise of review jurisdiction, the Court cannot reappreciate the evidence to arrive at a different conclusion even if two views are possible in a matter. In Kerala SEB v. Hitech Electrothermics& Hydropower Ltd. [Kerala SEB v. Hitech Electrothermics& Hydropower Ltd., (2005) 6 SCC 651] , this Court observed as follows : (SCC p. 656, para 10)*
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> "*10. … In a review petition it is not open to this Court to reappreciate the evidence and reach a different conclusion, even if that is possible. Learned counsel for the Board at best sought to impress us that the correspondence exchanged between the parties did not support the conclusion reached by this Court. We are afraid such a submission cannot be permitted to be advanced in a review petition. The appreciation of evidence on record is fully within the domain of the appellate court. If on appreciation of the evidence produced, the court records a finding of fact and reaches a conclusion, that conclusion cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto. It has not been contended before us that there is any error apparent on the face of the record. To permit the review petitioner to argue on a question of appreciation of evidence would amount to converting a review petition into an appeal in disguise.*"
>
> ***25.*** *Under the garb of filing a review petition, a party cannot be permitted to repeat old and overruled arguments for reopening the conclusions arrived at in a judgment. The power of review is not to be confused with the appellate power which enables the*

superior court to correct errors committed by a subordinate court. This point has been elucidated in Jain Studios Ltd. v. Shin Satellite Public Co. Ltd. [Jain Studios Ltd. v. Shin Satellite Public Co. Ltd., (2006) 5 SCC 501] wherein it was held thus : (SCC pp. 504-505, paras 11-12)

"*11. So far as the grievance of the applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negatived. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.*

12. When a prayer to appoint an arbitrator by the applicant herein had been made at the time when the arbitration petition was heard and was rejected, the same relief cannot be sought by an indirect method by filing a review petition. Such petition, in my opinion, is in the nature of "second innings" which is impermissible and unwarranted and cannot be granted."

***26.** After discussing a series of decisions on review jurisdiction in Kamlesh Verma v. Mayawati [Kamlesh Verma v. Mayawati, (2013) 8 SCC 320 : (2013) 3 SCC (Civ) 782 : (2013) 4 SCC (Cri) 265 : (2014) 1 SCC (L&S) 96] , this Court observed that review proceedings have to be strictly confined to the scope and ambit of Order 47 Rule 1CPC. As long as the point sought to be raised in the review application has already been dealt with and answered, the parties are not entitled to challenge the impugned judgment only because an alternative view is possible. The principles for exercising review jurisdiction were succinctly summarised in the captioned case as below : (SCC pp. 333-34, para 20)*

"*20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:*

20.1. When the review will be maintainable

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words "any other sufficient reason" have been interpreted in Chhajju Ram v. Neki [Chhajju Ram v. Neki, 1922 SCC OnLine PC

11 : AIR 1922 PC 112] , and approved by this Court in Moran Mar Basselios Catholicos v. Mar Poulose Athanasius [Moran Mar Basselios Catholicos v. Mar Poulose Athanasius, (1954) 2 SCC 42 : (1955) 1 SCR 520 : AIR 1954 SC 526] to mean 'a reason sufficient on grounds at least analogous to those specified in the rule'. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. [Union of India v. Sandur Manganese & Iron Ores Ltd., (2013) 8 SCC 337 : (2013) 3 SCC (Civ) 797]

20.2. When the review will not be maintainable—

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived."

25. In view of above, in the considered opinion of this Court, the reasoning given by this Court in paragraph No. 60 of the judgment which is sought to be reviewed cannot be regarded as an error or mistake which is apparent on the face of the record. As regards the correctness of the reasoning is concerned, the same cannot be gone into by this Court in exercise of its review jurisdiction, as the same would amount to sitting on

appeal of its own judgment by this Court.

26. As such, the Review Petition No. 292/2025 does not merit review of the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/2019. Accordingly, the Review Petition No. 292/2025 is hereby dismissed.

27. As regards the contentions raised by the petitioners of Review Petition No. 285/2025 for seeking review of the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/2019 is concerned, one of the ground which is taken for seeking review is that this court has failed to take into consideration, while computing *Zirat* compensation, the fact that 2400 numbers of tea bushes per bigha were not taken into consideration, rather only 1203 numbers of tea bushes per bigha were taken into consideration which is quite different standard from the standard adopted while calculating *Zirat* compensation payable to the encroachers. In this regard, the third point for determination which was formulated by this court while considering the LA Appeal No. 2/2019 would be relevant. The said point is reproduced as follows-

> "(c) Whether the Reference Court was correct in awarding *Zirat* compensation of Rs. 85,77,898/- only to the appellants?"

28. The aforesaid point for determination was considered by this court in paragraph Nos. 54 to 57 of the judgment under review. It was held by this court that the *Zirat* compensation depends upon the numbers of standing crops, trees, structure etc. which got damaged due to land acquisition. It was categorically observed in paragraph No. 57 of the judgment under review that the value of the standing crops was assessed on the basis of their ages and their types. The reasons for

awarding *Zirat* compensation of Rs. 85,77,898/- have been elaborately discussed in the aforementioned paragraphs and same, in the considered opinion of this court does not suffer from any error apparent on the face of the record justifying review of the aforementioned judgment.

29. The next contention of the review petitioners in Review Petition No. 285/2025 is that the interest to which the appellants of LA Appeal No. 2/2019 are entitled was not clearly stated in the judgment dated 01.11.2022 and hence, some clarification is necessary, as such, the said judgment is required to be reviewed. However, this court is of considered opinion that in paragraph No. 61 of the judgment under review, it was categorically observed by this court that the appellants are entitled to the amount, which was deducted as *Zirat* compensation from the total compensation against market value of the acquired land in pursuant to the impugned judgment and order (i.e., judgment of the Reference Court), along with the interests thereon at the rates prescribed by the Land Acquisition Act, 1894. As it was categorically held that the appellants of LA Appeal No. 2/2019 were entitled to all interests as prescribed by the Land Acquisition Act, 1894 on the amount which was deducted from market value of the acquired land on account of *Zirat* compensation, no review is called for of the judgment dated 01.11.2025 passed in L.A. Appeal No. 2/2019.

30. However, for the sake of clarity in this order itself some clarification is given. Firstly, the appellants of LA Appeal No. 2/2019 are also entitled to get 30% of solatium under Section 23 (2) of the Land Acquisition Act, 1894 on the enhanced amount, which was deducted from the total enhanced value of the land in terms of the judgment of the Reference

Court. Secondly, under Section 23 (1A) of the Land Acquisition Act, 1894 the appellants of LA Appeal No. 2/2019 are also entitled to additional compensation @ 12% per annum on the market value of the land for the period commencing from the date of publication of notice under Section 4 (1) of the Land Acquisition Act, 1894 till the date of award of the Collector or the date of taking possession of the land, whichever is earlier. Thirdly, the appellants of LA Appeal No. 2/2019 are entitled interest under Section 28 of the Land Acquisition Act, 1894 @ 9 % per annum over the excess amount of Rs. 85,77,898/- for one year from the date of taking possession and thereafter, @ 15 % per annum till the date of payment. Fourthly, the appellants of LA Appeal No. 2/2019 are also entitled to get interest under Section 34 of the Land Acquisition Act, 1894 @ 9% per annum over the excess amount of Rs. 85,77,898/- for one year from the date of taking possession and thereafter, @ 15% per annum till the date of payment.

31. With above clarification, the Review Petition No. 285/2025 is hereby disposed of.

JUDGE

Comparing Assistant

Nabajyoti Haloi

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