IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 52 of 2026
With
F.A. No. 7 of 2026
With
F.A. No. 9 of 2026
With
F.A. No. 10 of 2026
With
F.A. No. 11 of 2026
With
F.A. No. 12 of 2026
With
F.A. No. 13 of 2026
With
F.A. No. 14 of 2026
With
F.A. No. 15 of 2026
With
F.A. No. 16 of 2026
With
F.A. No. 17 of 2026
With
F.A. No. 18 of 2026
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F.A. No. 19 of 2026
With
F.A. No. 20 of 2026
With
F.A. No. 21 of 2026
With
F.A. No. 23 of 2026
With
F.A. No. 25 of 2026
With
F.A. No. 26 of 2026
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F.A. No. 27 of 2026
With
F.A. No. 28 of 2026
With
F.A. No. 31 of 2026
With
F.A. No. 32 of 2026
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F.A. No. 34 of 2026
With
F.A. No. 35 of 2026
With

F.A. No. 36 of 2026
With
F.A. No. 38 of 2026
With
F.A. No. 39 of 2026
With
F.A. No. 42 of 2026
With
F.A. No. 43 of 2026
With
F.A. No. 46 of 2026
With
F.A. No. 48 of 2026
With
F.A. No. 50 of 2026
With
F.A. No. 51 of 2026
With
F.A. No. 53 of 2026
With
F.A. No. 54 of 2026
With
F.A. No. 56 of 2026
With
F.A. No. 57 of 2026
With
F.A. No. 59 of 2026
With
F.A. No. 60 of 2026
With
F.A. No. 62 of 2026
With
F.A. No. 63 of 2026

Chief Project Manager, NTPC Ltd., Keredari Coal Mining Project, officiating from his office at Keredari, P.O. and P.S. Keredari, Dist – Hazaribagh and filing this appeal through its authorised representative namely Dilip Kumar (currently discharging his duties as Senior Manager, (Land Acquisition), NTPC), aged about 50 years, S/o Mahesh Prasad having his residence at Julu Park, P.O. and P.S. Hazaribagh, Dist- Hazaribagh.

…… Opposite Party No. 2/ Appellant

Versus

1. Saraswati Devi, W/o Late Satyanarayan Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
2. Krishnadeo Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.

3. Gopal Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
4. Ramsawrup Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
5. Sanjay Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
6. Bhupal Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
7. Manoj Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
8. Devpal Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.

…Applicants/ Respondents

9. Deputy Commissioner, Hazaribagh officiating from his office at O/o of Deputy Commissioner, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.
10. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, officiating from his office at DLAO, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.

….Opposite Party No. 1 and 3/ Performa Respondents

With
F.A. No. 8 of 2026
With
F.A. No. 49 of 2026
With
F.A. No. 58 of 2026

The Chief Project Manager, NTPC Ltd., Keredari Coal Mining Project, officiating from his office at Keredari, P.O. and P.S. Keredari, Dist – Hazaribagh and filing this appeal through its authorised representative namely Dilip Kumar (currently discharging his duties as Senior Manager, (Land Acquisition), NTPC), aged about 50 years, S/o Mahesh Prasad having his residence at Julu Park, P.O. and P.S. Hazaribagh, Dist- Hazaribagh.

…… Opposite Party No. 2/ Appellant

Versus

1. Saraswati Devi, W/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
2. Krishnadeo Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.

…Applicants/ Respondents

3. Deputy Commissioner, Hazaribagh officiating from his office at O/o of Deputy Commissioner, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.
4. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, officiating from his office at DLAO, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.

….Opposite Party No. 1 and 3/ Performa Respondents

With
F.A. No. 41 of 2026

Chief Project Manager, NTPC Ltd., Keredari Coal Mining Project, officiating from his office at Keredari, P.O. and P.S. Keredari, Dist – Hazaribagh and filing this appeal through its authorised representative namely Dilip Kumar (currently discharging his duties as Senior Manager, (Land Acquisition), NTPC), aged about 50 years, S/o Mahesh Prasad having his residence at Julu Park, P.O. and P.S. Hazaribagh, Dist- Hazaribagh.

…… Opposite Party No. 2/ Appellant

Versus

1. Saraswati Devi, W/o Late Satyanarayan Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
2. Krishnadeo Ojha, S/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
3. Manoj Ojha, S/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
4. Ramsawrup Ojha, S/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
5. Sanjay Ojha, S/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.

…Applicants/ Respondents

6. Deputy Commissioner, Hazaribagh officiating from his office at O/o of Deputy Commissioner, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.

7. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, officiating from his office at DLAO, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.

….Opposite Party No. 1 and 3/ Performa Respondents

With
F.A. No. 29 of 2026
With
F.A. No. 33 of 2026
With
F.A. No. 44 of 2026
With
F.A. No. 45 of 2026
With
F.A. No. 55 of 2026

Chief Project Manager, NTPC Limited, Keredari Coal Mining Project, officiating from his office at Keredari, P.O. and P.S. Keredari, Dist – Hazaribagh and filing this appeal through its authorised representative namely Dilip Kumar (currently discharging his duties as Senior Manager, (Land Acquisition), NTPC), aged about 50 years, S/o Mahesh Prasad having his residence at Julu Park, P.O. and P.S. Hazaribagh, Dist- Hazaribagh.

…… Opposite Party No. 2/ Appellant

Versus

1. Saraswati Devi, W/o Late Satyanarayan Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
2. Krishnadeo Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
3. Gopal Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
4. Ramsawrup Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
5. Sanjay Ojha, S/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
6. Manoj Ojha, S/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.
7. Devpal Ojha, S/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.

…Applicants/ Respondents

8. Deputy Commissioner, Hazaribagh officiating from his office at O/o of Deputy Commissioner, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.
9. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, officiating from his office at DLAO, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.

….Opposite Party No. 1 and 3/ Performa Respondents

With
F.A. No. 37 of 2026
With
F.A. No. 47 of 2026
With
F.A. No. 61 of 2026

Chief Project Manager, NTPC Ltd., Keredari Coal Mining Project, officiating from his office at Keredari, P.O. and P.S. Keredari, Dist – Hazaribagh and filing this appeal through its authorised representative namely Dilip Kumar (currently discharging his duties as Senior Manager, (Land Acquisition), NTPC), aged about 50 years, S/o Mahesh Prasad having his residence at Julu Park, P.O. and P.S. Hazaribagh, Dist- Hazaribagh.

…… Opposite Party No. 2/ Appellant

Versus

1. Saraswati Devi, W/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.

…Applicant/ Respondent

2. Deputy Commissioner, Hazaribagh officiating from his office at O/o of Deputy Commissioner, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, officiating from his office at DLAO, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.

…. Opposite Party No. 1 and 3/ Performa Respondents

With
F.A. No. 22 of 2026
With
F.A. No. 24 of 2026
With
F.A. No. 30 of 2026
With
F.A. No. 40 of 2026
With
F.A. No. 64 of 2026

Chief Project Manager, NTPC Ltd., Keredari Coal Mining Project, officiating from his office at Keredari, P.O. and P.S. Keredari, Dist – Hazaribagh and filing this appeal through its authorised representative namely Dilip Kumar (currently discharging his duties as Senior Manager, (Land Acquisition), NTPC), aged about 50 years, S/o Mahesh Prasad having his residence at Julu Park, P.O. and P.S. Hazaribagh, Dist- Hazaribagh.

…… Opposite Party No. 2/ Appellant

Versus

1. Krishnadeo Ojha, S/o Late Rameshwar Ojha, aged about not known to the Appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.

…Applicant/ Respondent

2. Deputy Commissioner, Hazaribagh, officiating from his office at O/o of Deputy Commissioner, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, officiating from his office at DLAO, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.

….Opposite Party No. 1 and 3/ Performa Respondents

With
F.A. No. 65 of 2026

1. Chief Project Manager, NTPC Limited, Keredari, Coal Mining Project, officiating from his office at Keredari, P.O. and P.S. Keredari, Dist – Hazaribagh and filing this appeal through its authorized representative namely Dilip Kumar (currently discharging his duties as Senior Manager, (Land Acquisition), NTPC), aged about 50 years, S/o Mahesh Prasad having his residence at Julu Park, P.O. and P.S. Hazaribagh, Dist- Hazaribagh.

…… Opposite Party No. 2/ Appellant

Versus

1. Ramswarup Ojha, S/o Late Rameshwar Ojha, aged about not known to the appellant, R/o Village – Tarhesa, P.O. and P.S. Keredari, Dist- Hazaribagh.

…Applicant/ Respondent

2. Deputy Commissioner, Hazaribagh officiating from his office at O/o of Deputy Commissioner, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, officiating from his office at DLAO, Hazaribagh, P.O. and P.S. Keredari, Dist- Hazaribagh.

….Opposite Party No. 1 and 3/ Performa Respondent

With
F.A. No. 147 of 2026
With
F.A. No. 154 of 2026
With
F.A. No. 165 of 2026

1. Saraswati Devi W/o Late Satyanarayan Ojha, aged about 56 years, R/o Village- Tarhesa, P.O.- Pandu, P.S.- Keredari, District- Hazaribagh, Jharkhand.

….. Petitioner / Appellant

Versus

1. The Deputy Commissioner, Hazaribagh, P.O. and P.S.and Dist- Hazaribagh, Jharkhand.
2. Chief Project Manager, NTPC Limited, Keredari, Coal Mining Project, P.O. and P.S. Keredari, Dist – Hazaribagh, Jharkhand.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, P.O. and P.S.- Hazaribagh, Dist- Hazaribagh, Jharkhand

….Opposite Parties / Respondents

With
F.A. No. 150 of 2026
With
F.A. No. 152 of 2026
With
F.A. No. 153 of 2026
With
F.A. No. 162 of 2026
With
F.A. No. 190 of 2026

1. Krishnadev Ojha S/o Late Rameshwar Ojha, aged about 64 years, R/o Village- Tarhesa, P.O.- Pandu, P.S.- Keredari, District- Hazaribagh, Jharkhand.

….. Petitioner / Appellant

Versus

1. The Deputy Commissioner, Hazaribagh, P.O. and P.S. and Dist- Hazaribagh, Jharkhand.
2. Chief Project Manager, NTPC Limited, Keredari, Coal Mining Project, P.O. and P.S. Keredari, Dist – Hazaribagh, Jharkhand.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, P.O. and P.S.- Hazaribagh, Dist- Hazaribagh, Jharkhand

….Opposite Parties / Respondents

With
F.A. No. 151 of 2026
With
F.A. No. 155 of 2026
With
F.A. No. 157 of 2026

1. Saraswati Devi W/o Late Satyanarayan Ojha, aged about 56 years,
2. Krishnadeo Ojha S/o Late Rameshwar Ojha, aged about 64 years,
   All R/o Village- Tarhesa, P.O.- Pandu, P.S.- Keredari, District- Hazaribagh, Jharkhand

….. Petitioners / Appellants

Versus

1. The Deputy Commissioner, Hazaribagh, P.O. and P.S.and Dist- Hazaribagh, Jharkhand.
2. Chief Project Manager, NTPC Limited, Keredari, Coal Mining Project, P.O. and P.S. Keredari, Dist – Hazaribagh, Jharkhand.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, P.O. and P.S.- Hazaribagh, Dist- Hazaribagh, Jharkhand

….Opposite Parties / Respondents

F.A. No. 78 of 2026
With
F.A. No. 107 of 2026
With
F.A. No. 134 of 2026
With
F.A. No. 135 of 2026
With
F.A. No. 136 of 2026
With
F.A. No. 137 of 2026
With
F.A. No. 138 of 2026
With
F.A. No. 139 of 2026
With
F.A. No. 140 of 2026
With
F.A. No. 141 of 2026
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F.A. No. 143 of 2026
With
F.A. No. 144 of 2026
With

F.A. No. 145 of 2026
With
F.A. No. 146 of 2026
With
F.A. No. 148 of 2026
With
F.A. No. 149 of 2026
With
F.A. No. 156 of 2026
With
F.A. No. 158 of 2026
With
F.A. No. 160 of 2026
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F.A. No. 161 of 2026
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F.A. No. 163 of 2026
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F.A. No. 166 of 2026
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F.A. No. 167 of 2026
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F.A. No. 168 of 2026
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F.A. No. 169 of 2026
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F.A. No. 170 of 2026
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F.A. No. 171 of 2026
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F.A. No. 172 of 2026
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F.A. No. 173 of 2026
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F.A. No. 175 of 2026
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F.A. No. 176 of 2026
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F.A. No. 178 of 2026
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F.A. No. 180 of 2026
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F.A. No. 181 of 2026
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F.A. No. 182 of 2026
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F.A. No. 183 of 2026
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F.A. No. 184 of 2026
With

F.A. No. 185 of 2026
With
F.A. No. 186 of 2026
With
F.A. No. 188 of 2026
With
F.A. No. 189 of 2026

1. Saraswati Devi, W/o Late Satyanarayan Ojha, aged about 56 years.
2. Krishnadeo Ojha, S/o Late Rameshwar Ojha, aged 64 years.
3. Gopal Ojha, S/o Late Rameshwar Ojha, aged about 58 years.
4. Ramsawrup Ojha, S/o Late Rameshwar Ojha, aged about 57 years.
5. Sanjay Ojha, S/o Late Rameshwar Ojha, aged about 56 years.
6. Bhupal Ojha, S/o Late Rameshwar Ojha, aged about 53years.
7. Manoj Ojha, S/o Late Rameshwar Ojha, aged about 50 years.
8. Devpal Ojha, S/o Late Rameshwar Ojha, aged about 48 years.

All R/o Village – Tarhesa, P.O.- Pandu, P.S. Keredari, Dist- Hazaribagh, Jharkhand.

….. Petitioners / Appellants

Versus

1. The Deputy Commissioner, Hazaribagh, P.O. and P.S. and Dist- Hazaribagh, Jharkhand.
2. Chief Project Manager, NTPC Limited, Keredari, Coal Mining Project, P.O. and P.S. Keredari, Dist – Hazaribagh, Jharkhand.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, P.O. and P.S.- Hazaribagh, Dist- Hazaribagh, Jharkhand

….Opposite Parties / Respondents

With
F.A. No. 142 of 2026
With
F.A. No. 159 of 2026
With
F.A. No. 164 of 2026
With
F.A. No. 177 of 2026
With
F.A. No. 187 of 2026

1. Saraswati Devi, W/o Late Satyanarayan Ojha, aged about 56 years.
2. Krishnadeo Ojha, S/o Late Rameshwar Ojha, aged 64 years.
3. Gopal Ojha, S/o Late Rameshwar Ojha, aged about 58 years.
4. Ramsawrup Ojha, S/o Late Rameshwar Ojha, aged about 57 years.

5. Sanjay Ojha, S/o Late Rameshwar Ojha, aged about 56 years.
6. Manoj Ojha, S/o Late Rameshwar Ojha, aged about 50 years.
7. Devpal Ojha, S/o Late Rameshwar Ojha, aged about 48 years.

All R/o Village – Tarhesa, P.O.- Pandu, P.S. Keredari, Dist- Hazaribagh, Jharkhand.

….. Petitioners / Appellants

Versus

1. The Deputy Commissioner, Hazaribagh, P.O. and P.S. and Dist- Hazaribagh, Jharkhand.
2. Chief Project Manager, NTPC Limited, Keredari, Coal Mining Project, P.O. and P.S. Keredari, Dist – Hazaribagh, Jharkhand.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, P.O. and P.S.- Hazaribagh, Dist- Hazaribagh, Jharkhand

….Opposite Parties / Respondents

With
F.A. No. 174 of 2026

1. Ramsawrup Ojha S/o Late Rameshwar Ojha, aged about 57 years, R/o Village- Tarhesa, P.O.- Pandu, P.S.- Keredari, District- Hazaribagh, Jharkhand.

….. Petitioner / Appellant

Versus

1. The Deputy Commissioner, Hazaribagh, P.O. and P.S. and Dist- Hazaribagh, Jharkhand.
2. Chief Project Manager, NTPC Limited, Keredari, Coal Mining Project, P.O. and P.S. Keredari, Dist – Hazaribagh, Jharkhand.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, P.O. and P.S.- Hazaribagh, Dist- Hazaribagh, Jharkhand

….Opposite Parties / Respondents

With
F.A. No. 179 of 2026

1. Saraswati Devi, W/o Late Satyanarayan Ojha, aged about 56 years.
2. Krishnadeo Ojha, S/o Late Rameshwar Ojha, aged 64 years.
3. Ramsawrup Ojha, S/o Late Rameshwar Ojha, aged about 57 years.
4. Sanjay Ojha, S/o Late Rameshwar Ojha, aged about 56 years.
5. Manoj Ojha, S/o Late Rameshwar Ojha, aged about 50 years.

All R/o Village – Tarhesa, P.O.- Pandu, P.S. Keredari, Dist- Hazaribagh, Jharkhand.

….. Petitioners / Appellants

Versus

1. The Deputy Commissioner, Hazaribagh, P.O. and P.S.and Dist-Hazaribagh, Jharkhand.
2. Chief Project Manager, NTPC Limited, Keredari, Coal Mining Project, P.O. and P.S. Keredari, Dist – Hazaribagh, Jharkhand.
3. District Competent Authority- cum- District Land Acquisition Officer (DLAO), Hazaribagh, P.O. and P.S.- Hazaribagh, Dist-Hazaribagh, Jharkhand

….Opposite Parties / Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the NTPC Limited	: Mr. Prashant Pallav, ASGI
	: Mr. Kumar Harsh, Advocate
	: Mr. Parth Jalan, Advocate
	: Ms. Shreya Shukla, Advocate
For the Claimants	: Mr. Bhawesh Kumar, Advocate
	: Mr. Ravi Kumar, Advocate
	: Mr. Anshuman Mishra, Advocate
	: Mr. Kumar Rahul Kamlesh, Advocate
	: Mrs. Akata Anand, Advocate
	: Mr. Kanhaiya Lal Rai, Advocate
	: Ms. Sneha Sonam, Advocate
	: Mr. Rajiv Kumar Pandey, Advocate
For the State	: Mr. Sahbaj Aktar, AC to AAG-III
	: Mr. Rakesh Ranjan, AC to GA-I
	: Mr. Mukul Kr. Singh, AC to GP III
	: Mr. Krishna Kr. Bhatt, AC to SC-I
	: Mr. Vineet Prakash, AC to SC-IV
	: Mr. Kanishka Deo, AC to GP IV

C.A.V. On 16.03.2026 **Pronounced On 30.03.2026**

1. This batch of 118 first appeals arise out of common judgment dated 30.11.2024 wherein different Land Reference cases have been decided. The acquired land involved in these cases are of village Tarhesa, District Hazaribagh, Jharkhand which have been acquired under the ***Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act of 2013)*** for NTPC limited. Total area of acquired land is 84.80 acres of raiyati land. There are 59 Land Reference cases involved in this batch of cases arising out of Land

Reference Case No. 495 of 2022 to 540 of 2022 and Land Reference Case Nos. 555 of 2022 to 567 of 2022 arising out of the same Reference under section 64 of the aforesaid Act of 2013.

2. The District Land Acquisition Officer fixed the compensation at flat rate of Rs. 4,823/- per decimal. As the claimants were dissatisfied with the rate of compensation, reference was made to the learned court under section 64 of the aforesaid Act of 2013 on 21st May, 2022. By the impugned judgment, the compensation has been enhanced from Rs. 4823/- per decimal to Rs. 11,000/- per decimal. Both the parties, the claimants as well as NTPC Limited, are aggrieved by the impugned judgment. 59 cases have been filed by NTPC Limited and 59 cases have been filed by the claimants.

The trial court's judgement.

3. The learned trial court framed the point for determination as under: - ***"whether the compensation awarded to the petitioners should be enhanced?"***

The relevant findings of the learned trial court are as under: -

> *"**15.** Heard the argument of both the sides. In the light of argument, perused the entire materials available on record in which, I find that, P.W. 1 is Ramswarup Ojha. He is also applicant in L.A. Case no. 495/2022. In his cross-examination at para 26 he has stated that, the compensation for the acquired land was fixed by the government at the rate of Rs.4823/- per decimal. The land was acquired in the year 2019. The rate fixed by the government was based on the government rate of purchase and sale of land at that time. At para 48 he has stated that, he had given compensation at the said rate, but he had demanded @ Rs.20,000/- per decimal. P.W.2 is Manoj Kumar Ojha. He is also one of the applicant. In cross-examination at para 24, he has stated that, land was acquired by the government in the year 2019 and at that time, the government rate of the land of Tarhesa village was Rs.20,000/- per decimal, but he has not filed the paper of fixed government rate in the court. At para 39 he has stated that, some money has already been taken from the government for the land for which this case has been lodged to increase the rate. At para 48, he has stated that, the land that has been acquired is of both residential and*

agricultural type. P.W. 3 is Pankaj Lal Jaiswal. In cross-examination at para 15 he has stated that, he has purchased the land in village Tarhesa @ Rs.25,000/- per decimal and he can file the deed of the land. The nature of land acquired in village Tarhesa is Tand no.1 and not residential. I find that, sixteen sale deeds have been proved on behalf of the petitioners……..
I further find that, five documents have been proved on behalf of the opp. parties. Ext. A is Attested copy of order-sheet of L.A. Case no.01/2016-17, Ext. B is Attested copy of sale figure chart, Ext. C is Attested copy of estimate, Ext. D is Attested copy of rate report, Ext. E is Attested copy of valuation Khatiyan and Ext. F is Attested copy of Notification no.562/LA, dt. 07.06.2019. In all the sale deeds filed on behalf of the petitioners except land of sale deed (exhibit 1/2 and 1/3), type of land is residential. The land of Ext.-1/2 and 1/3 is agricultural type which is of village Jamira, adjacent to village Tarhesa. The rate of land of Ext. 1/2 is Rs. 33,794/- per decimal and the rate of land of Ext. 1/3 is Rs. 16,581/- per decimal. It also appears from the evidence of the witnesses of the petitioners that, the claimants have been paid compensation at the rate of Rs.4823.95 per decimal. I further find that, the rate report (Ext.D) submitted by G.P. shows that, there is no sale transaction of village Tarhesa.

***16**. Furthermore, all the sale deed except two sale deeds are residential nature, therefore, the rate of those sale deeds should be converted in agriculture nature. The Ext.'D' filed by the opp. parties itself shows that, how the rate of lands can be fixed in residential to agriculture. As per these process shows in Ext.-D all residential rate of exhibited sale deeds should be converted into agricultural as half of the residential rate."*

Further, in ***paragraph 17*** of the impugned judgment, the learned trial court referred to numerous judgements and observed that the market value cannot be fixed on the basis of circle rate as the circle rates are fixed by the collector only for collection of stamp duty.

Thereafter in ***paragraph 18*** of the impugned judgment the learned trial court referred to section 26 of the Act of 2013 and held as under: -

> *"18. I Further find that, for determination of market value of land it is essential to go through the provisions of Sections 26 (b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is as follows: "(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area".*
> *Explanation-2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is as follows:- "For determining the average sale price referred to in Explanation1, one-half of the total number of sale deeds or the agreement to sell in which the highest sale price has been mentioned shall be taken into consideration".*

Thereafter, the learned trial court considered all the 16 sale deeds placed on record, all placed by the claimants from exhibit- 1 to 1/15, and took into consideration half of the sale deeds, total 8 in number having highest rate, and arrived at average rate of Rs. 15,372.00 per decimal. Then the learned trial court referred to the valuation chart and circle rates and by citing interest of justice, fixed the compensation at the rate of Rs. 11,000/- per decimal. The findings of the learned court at ***paragraph 19*** is quoted as under: -

> *"**19.** I further find that, 16 sale deeds have been exhibited in this case by the ld. counsel appearing on behalf of the petitioners. Calculation of average rate as per provision of Section 26 (b), Explanation 2 of the L.A.R.R. Act, 2013, submitted by the ld. counsel for the petitioner, one half of the total number of sale-deeds in which the highest sale-price has been mentioned comes to Rs.15,372.00 per decimal agricultural land. But from the communality perusal of valuation chart based on sale-deeds near by the adjacent village placed by the claimants, as well as, valuation prepared by the land acquisition authority on the vicinity area adjacent to the Tarhesa or itself based on circle rates, I come to the conclusion based on the facts remains in the present case, as well as, the settled law with regard to the guiding factors towards assessment of the valuation, it is just for the interest of justice Rs.11,000/- per decimal is assessed for giving compensation to the entire land situated in Mauza Tarhesa which has been acquired for the NTPC Project related to the present case. Hence, all the petitioners are entitled to get compensation @*

Rs.11,000/- per decimal and are also entitled to get all statutory benefit provided under the provision of L.A.R.R. Act, 2013. The payment of compensation with all benefits shall be made within three months from the date of award."

4. The arguments have been advanced from the records of ***F.A. No. 36 of 2026*** filed by NTPC Ltd. and ***F.A. No. 78 of 2026*** filed by the claimants and it has been submitted that for all the appeals filed by NTPC Limited, the records in connection with F.A. No. 36 of 2026 would be sufficient and for all the appeals filed by the claimants, the records of F.A. No. 78 of 2026 would be sufficient.

5. One petition bearing ***I.A No. 2329 of 2026*** has been filed by NTPC Limited in F.A. No. 36 of 2026 seeking to adduce additional evidence under Order XLI Rule 27 of the Code of Civil Procedure and vide order dated 10.02.2026 it was recorded with the consent of the parties that the same I.A. would be considered for all the 59 cases filed by NTPC Limited. Accordingly, said I.A No. 2329 of 2026 is required to be considered for all the 59 cases filed by NTPC Limited.

6. Both the parties have furnished their synopsis of argument before this Court and have argued their case and the arguments have been recorded in the adjournment order dated 16.03.2026.

7. **<u>Arguments of the NTPC Limited</u>**

a. A petition under Order XLI Rule 27 of the Code of Civil Procedure has been filed before this Court in F.A. No. 36 of 2026 placing on record numerous sale-deeds executed by P.W. 1, who is also one of the claimants in this batch of cases, but P.W-1 did not bring the same on record. This amounts to material suppression on the part of the claimants.

b. For proper adjudication of the cases and to fix compensation payable to the claimants as per law, the additional evidence may also be taken into consideration.

c. NTPC Limited is the beneficiary of the land acquisition proceedings as the land has been acquired for the appellant-NTPC. They came to know about the sale-deeds placed through additional evidence when the claimants placed those

sale-deeds before the authorities. If the additional evidence is taken into consideration, the quantum of compensation would come down.

d. The compensation was rightly fixed by the concerned authority and the same did not call for any interference by the learned court. The core issue to be decided in this case is –

> ***Whether the determination of compensation by the learned court of the Principal District Judge -cum-L.A.R.R.A., Hazaribag is in conformity with the provisions of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013****?*

e. The relevant dates in connection with the proceedings have been recorded in the adjournment order itself based on the written submissions.

f. The land acquisition proceeding under the ***Land Acquisition Act, 1894 (hereinafter referred to as 'the Act of 1894')*** lapsed and therefore, on 29th April, 2016, fresh application was filed for initiation of land acquisition proceedings and after completing the required formalities, the notification under section 11 of the aforesaid Act of 2013 was published on 12th June, 2019 whereby the total land to be acquired with respect to village Tarhesa was 84.80 acres of raiyati land.

g. As per the provisions of section 26 of the Act of 2013, three years was required to be taken with reference to 29th April, 2016 and not with reference to 12th June, 2019 and therefore, the approach of the learned court while taking the average of half of total number of sale deeds produced by the claimants by referring to 12th June, 2019 is not in accordance with law.

h. The impugned judgment suffers from gross illegality for the following reasons:

> (a)No reason has been assigned why circle rate has not been considered, which was of the year 2020 and such consideration would have been as per the mandate of Section 26 (1) (a) of the Act, 2013;

(b)Explanation-I of Section 26 of the Act of 2013, was not considered in its true perspective, and

(c)Sale deeds for the same village i.e., Tarhesa existed to which the one of the claimants himself was a party. The deeds with respect to same village are the best evidence which were required to be taken into consideration in order to ascertain the compensation. It is submitted that additionally, by way of additional evidence, the appellant- NTPC has brought on record the sale-deeds to which Ram Swaroop Ojha (P.W-1- one of the claimants) was a party, which revealed that the rate of land never exceeded Rs. 5,000/- to Rs. 6000/- per decimal for village Tarhesa.

i. During the course of hearing, the learned counsel for the NTPC relied upon the judgment passed by the Hon'ble Supreme Court reported in ***(2022) 7 SCC 247 (Sanjay Kumar Singh Vs. State of Jharkhand)*** to submit that the application for additional document by way of additional evidence can be allowed if the document removes cloud of doubt and is directly linked to the main and important issue. He also relied upon the judgment reported in ***MANU/MH/1653/2021 (Ghanshaymdas Chinkumal Saheswani Vs. Hiralal Ramchandra Saheswani)*** to submit that application for filing additional documents can be allowed when there is material concealment by the parties.

j. So far as the other judgments referred to in the written submissions are concerned, the learned counsel for the NTPC had submitted that they may not be relevant as they relate to the Land Acquisition Proceedings under the Land Acquisition Act, 1894.

k. Under section 26 of the Act of 2013, while referring to three years, Calendar year is required to be taken into consideration. He has referred to section 3(66) of General Clauses Act and submits that the term *'year'* necessarily means *'calendar year'*.

l. It is further submitted that previous three years mentioned in section 26 will not be relatable to the date on which notification under section 11 of the Act of 2013 is issued.

m. Learned counsel for the NTPC has further submitted that so far as the appeal filed by the claimants are concerned, there is no merit in the same, rather the compensation is required to be reduced.

8. <u>Arguments of the Claimants</u>

I. The cut-off date which is required to be taken is 12.06.2019, the date when the notification under section 11 of the Act of 2013 was published. Therefore, the period for which the sale-deeds could be considered is from 12.06.2016 to 12.06.2019. He submits that even the authority has taken this particular period for consideration and fixation of compensation.

II. So far as prayer for consideration of additional evidence is concerned, all the sale-deeds annexed in the interlocutory application filed for adducing additional evidence are relating to the period prior to 12.06.2016 and therefore, the allegation that the claimants had suppressed the material facts before the authority, is not correct. He has submitted that those sale-deeds are of no consequence when seen in the light of section 26 of the aforesaid Act of 2013.

III. Even the circle rate has no relevance in view of the fact that circle rate was less than the computation on the basis of sale-deeds placed on record.

IV. *During the course of hearing, it transpired that altogether 16 sale-deeds were produced and out of them, two were for the period prior to 12.06.2016 and were with respect to the village involved in the present case and the remaining sale-deeds were falling within the period 12.06.2016 to 12.06.2019 and were of the villages in the vicinity of the village involved in these cases.*

V. To this, the learned counsel for the claimants submitted that only 14 sale-deeds could have been considered and out of them, 50% of the highest valued sale-deeds were required to be considered in terms of section 26 of the Act of 2013. Average of 7 sale-deeds was required to be considered. The learned court has taken average of 8 sale-deeds while considering all the 16

sale-deeds produced by the claimants, although two sale-deeds were required to be excluded if the period from 12.06.2016 to 12.06.2019 is taken into consideration. He has also given the calculation of rate taking into consideration the 7 sale-deeds of highest value, if two sale-deeds as stated above are excluded, which comes to ***Rs. 15,782.71 per decimal***.

VI. The rate for agricultural land has to be taken at ½ of the rate of residential land which would be in line with the circle rate. As per the circle rate also, the rate of agricultural land is ½ of the residential land. The compensation which has been awarded is @ Rs. 11000/- per decimal although there is no basis and no justification to deviate from the average rate of the 7 sale-deeds of highest value, which were fit to be considered as per section 26 of the Act of 2013.

VII. The learned counsel for the claimants has given the chart of the total 16 sale-deeds produced before the learned trial court giving the rate per decimal in the written submissions which has been quoted in the adjournment order dated 16.03.2026 and will be reproduced later on in this judgment.

VIII. The arguments of the learned ASGI representing the NTPC Limited that the period starting from three years prior to 29.04.2016 is required to be considered is misplaced and the cut-off date would be 12th June, 2019 and not 29th April, 2016.

IX. Learned counsel for the claimants has relied upon the judgment passed by this Court in ***F.A. No. 298 of 2023 decided on 16.07.2025*** and has referred to paragraph 26 and 27 of the said judgment and has submitted that there was no occasion to deviate from the average of the best 7 sale-deeds which were produced before the court.

X. By referring to first proviso to section 26 of the Act of 2013, it has been submitted that the referable date is the date of notification under section 11 of the Act of 2013 for the purposes of determination of market value and therefore, the same is not relatable to calendar year and the definition of ‘year’ under

General Clauses Act will have no applicability to section 26 of the Act of 2013 while computing the compensation payable for acquisition of land under the said Act of 2013.

Findings of this court.

9. The core issue to be decided in this case is –

> ***Whether the determination of compensation by the learned court of the Principal District Judge -cum-L.A.R.R.A., Hazaribag is in conformity with the provisions of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013****?*

10. The foundational facts as mentioned in paragraphs 1 and 2 of this judgement are not in dispute. The District Land Acquisition Officer fixed the compensation at flat rate of Rs. 4,823/- per decimal and by the impugned judgment, the compensation has been enhanced to flat rate of Rs. 11,000/- per decimal. Both the claimants as well as NTPC Limited are aggrieved by the impugned judgment. 59 cases have been filed by NTPC Limited and 59 cases have been filed by the claimants.

11. The relevant dates in connection with the proceedings have been recorded in the adjournment order itself based on the written submissions of NTPC Limited are as under:

Relevant date with particulars	
January 25, 2006	Keredari Coal Mining Project allotted to NTPC
May 16, 2012 And August 4, 2012	Gazette Notification under the Land Acquisition Act, 1894
June 10, 2015	Re-allotment of Keredari Coal Mining Project to NTPC
July 7, 2015	Lapse of earlier land acquisition proceedings
April 29, 2016	Fresh application for initiation of land acquisition proceedings under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
June 12, 2019	Notification under Section 11 of the Right to

	Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Total land acquired in village-Tarhesa: 84.80 acres of *raiyati* land.
May 21, 2022	Reference made to the learned Court under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
November 30, 2024	Compensation enhanced from Rs. 4,823/- to Rs. 11,000/- per decimal. Enhancement of compensation has been determined on the basis of sale deeds marked as Exhibit-1 to 1/15 and Section 26 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

12. The aforesaid sequence of events as mentioned in the written submissions filed on behalf of NTPC Limited and also recorded in the order dated 16.03.2026 has not been disputed by the learned counsel for the claimants during the course of hearing. However, it is important to observe that the sequence of events from 25.01.2006 to 29.04.2016 has not been pleaded or mentioned by the parties in their written statements filed before the learned trial court nor any documents have been filed in support of the same. However, since NTPC Limited has argued the case by referring to the aforesaid sequence of events without any objection from the side of the claimants, the point arising out of such sequence of events is also being considered by this Court.

13. The aforesaid sequence of events from 25.01.2006 to 29.04.2016 has been projected by the NTPC Limited in the written arguments primarily to show that the earlier proceeding for acquisition of land under Land Acquisition Act, 1894 lapsed upon coming into force of the aforesaid Act of 2013. The NTPC Limited claimed to have made fresh application for initiation of land acquisition proceedings under the Act of 2013 on 29th April, 2016.

Consequently, it has been argued that to arrive at the ‘market value’ of the acquired land in terms of Section 26, the sale deeds relating to the period three years prior to the year 2016 were required to be taken into

consideration to quantify the compensation amount payable to the claimants and if that be so, the compensation payable would be much less as compared to compensation awarded by the learned trial court and for that purpose, the sale deeds sought to be brought on record through the interlocutory application seeking to adduce additional evidence are also required to be taken into account.

14. Keeping the aforesaid in mind, this Court now proceeds to determine the period to be covered within the term *'preceding three years'* so as to further arrive at finding as to whether the rate of compensation has been rightly arrived by the learned trial court and for that purpose, the interlocutory application seeking to adduce additional evidence is also required to be considered.

A. Determination of the Period to be covered within the meaning of the term 'preceding three years' under explanation 1 to section 26(1)(b) of the Act of 2013.

15. The acquisition of land in the present case is admittedly governed by the provisions of the aforesaid Act of 2013 and the sections relevant for the present case are sections 11, 26 and 27 which are quoted as under:

Section 11 of the Act of 2013

> *"**11. Publication of preliminary notification and power of officers thereupon.–** (1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—*
>
> *(a) in the Official Gazette;*
>
> *(b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;*
>
> *(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;*
>
> *(d) uploaded on the website of the appropriate Government;*

(e) in the affected areas, in such manner as may be prescribed.

(2) Immediately after issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.

(3) The notification issued under sub-section (1) shall also contain a statement on the nature of the public purpose involved, reasons necessitating the displacement of affected persons, summary of the Social Impact Assessment Report and particulars of the Administrator appointed for the purposes of rehabilitation and resettlement under section 43.

(4) No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till such time as the proceedings under this Chapter are completed:

Provided that the Collector may, on the application made by the owner of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section:

Provided further that any loss or injury suffered by any person due to his wilful violation of this provision shall not be made up by the Collector.

(5) After issuance of notice under sub-section (1), the Collector shall, before the issue of a declaration under section 19, undertake and complete the exercise of updating of land records as prescribed within a period of two months."

Section 26 of the Act of 2013

26. Determination of market value of land by Collector. - *(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:-*

(a) *the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or*

agreements to sell, as the case may be, in the area, where the land is situated; ***or***

(b) *the average sale price for similar type of land situated in the nearest village or nearest vicinity area;* ***or***

(c) *consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects,*

whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

Explanation 1. The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.-For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.-While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.-While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that-

(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority,

the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice."

Section 27 of the Act of 2013

"27. Determination of amount of compensation.– *The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land."*

16. It is not in dispute between the parties that the compensation has to be determined under the aforesaid Act of 2013 in terms of section 26 of the Act. However, before considering section 26 of the Act, section 11 of the Act of 2013 is also required to be considered.

Section 11 clearly provides that whenever it appears to the appropriate government that land in any area is required or likely to be required for any public purpose, a notification to that effect along with details of the land to be acquired shall, *inter alia*, be published in the official gazette.

17. The provision of section 26 of the Act of 2013 reveals that the market value of the land is to be determined by adopting the method provided under section 26(1)(a) or 26(1)(b) or 26(1)(c), whichever is higher. The section also provides that the date for determination of 'market value' shall be the date on which the notification had been issued under section 11 of the Act of 2013.

18. Section ***26(1)(a)*** of the Act of 2013 refers to the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale-deeds or agreement to sell in the area where the land is situated; section ***26(1)(b)*** refers to average sale price for similar types of land situated in the nearest village or nearest vicinity area and section ***26(1)(c)*** refers to consented amount of compensation as agreed.

Explanation 1 to Section 26(1) provides that the *average sale price* referred to in clause (b) of section 26(1) shall be determined taking into account the sale-deeds or agreements of sale registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2 provides that for determining the *average sale price* referred to in Explanation 1, ½ of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Further, as per ***section 27,*** the Collector having determined the ***market value*** of the land to be acquired has to calculate the total amount of compensation to be paid to the land owner by including all assets attached to the land and as per section 26, the date for determination of ***'market value'*** shall be the date on which the notification has been issued under section 11.

19. ***It is the specific case of the NTPC Limited*** that the three years is required to be calculated taking into consideration the date 29th April, 2016 when fresh application was made for initiation of land acquisition proceedings under the Act of 2013 and their further argument is that the term 'year' used in explanation -1 of section 26(1) of the Act of 2013 should refer to 'calendar year' as defined under General Clauses Act, 1897 and therefore, the 'preceding three years' would be *2013, 2014 and 2015*.

20. ***On the other hand, the specific arguments of the claimants on the aforesaid two points*** are that the *preceding three years* would relate to 12th June, 2019, the date of notification issued under section 11 of the Act of 2013 and therefore, the preceding three years would be exactly three years prior to 12th June, 2019 and consequently, the *preceding three years* would be from 12th June, 2016 to 11th June, 2019 and there is no question of referring to *preceding three calendar years.* Their further case is that there is no occasion to refer to 29th April, 2016, the date when NTPC Limited filed application for acquisition of land under the Act of 2013 as the notification under section 11 of the Act of 2013 has been issued on 12th June, 2019 and the *preceding three years* would be from 12th June, 2016 to 11th June, 2019.

It has also been submitted and is not in dispute that even the authority while offering the compensation has taken the dates in the same manner as argued by the claimants, that is, from 12th June 2016 to 12th June 2019 by considering the relevant date as the date of preliminary notification issued under section 11 of the Act of 2013 as 12th June 2019.

21. If the arguments of the parties are put in a tabular form, it would be as follows:

As per NTPC Limited	As per Claimants
Period of *preceding three years* for consideration of sale deeds would be *Calander years 2013 to 2015*	Period of *preceding three years* for consideration of sale-deeds would be 12th June, 2016 to 11th June, 2019

taking into consideration the relevant date as 29th April, 2016 when fresh application was made for initiation of land acquisition proceedings under the Act of 2013.	(referable to date of notification under section 11 of the Act of 2013). ***Neither*** there is any relevance of the date 29th April, 2016 when fresh application was made for initiation of land acquisition proceedings under the Act of 2013 ***nor*** there is any occasion to refer to '*Calander years'* while considering *'preceding three years'*

22. This court is of the considered view that the arguments advanced by the learned ASGI appearing for NTPC Limited are devoid of any merits on account of the following reasons: -

(a) On the point of taking 29th April, 2016 as cut-off date for computing the period of 'preceding three years' to determine market value of the acquired land for payment of compensation

If the argument of NTPC Limited that the 'preceding three years' for determination of 'market value' is to be related to 29th April, 2016 *[when fresh application for initiation of Land Acquisition Proceedings was made after the proceeding lapsed under the old Act]* is accepted , it would lead to a situation that the three years prior to 29th April, 2016 would be taken into consideration for determination of 'market value' on the date of issuance of notification under section 11 *[which in the present case is 12th June, 2019].*

If such argument is accepted, it would lead to a situation that any sale-deed from 29th April, 2016 till 11th June, 2019 will not be taken into consideration to determine the 'market value' as on the date of notification under section 11 which is 12th of June 2019.

Such is not the intention of the legislature. The legislature has clearly and in unequivocal words provided under section 26 of the Act of 2013 itself that the date for determination of 'market value' shall be the date on which the notification has been issued under section 11 of the Act of 2013.

Accordingly, this court is of the considered view that the *'immediately preceding three years'* for computing the 'market value' on the date of notification under section 11 and for the purpose of determination of compensation under the Act of 2013 for the acquired land would be *'immediately preceding three years'* from the date of notification under section 11 and not from the date when NTPC claimed to have filed fresh application for initiation of Land Acquisition Proceedings after the proceeding said to have been lapsed under the Land Acquisition Act of 1894. The date of notification under section 11 is 12.06.2019.

(b) On the point of taking Calander year into consideration while referring to 'preceding three years' to determine market value of the acquired land for payment of compensation.

It has been held as above under point (a) that the cut -off date would be 12th of June 2019 for referring to *'immediately preceding three years'* under section 26 of the Act of 2013.

Section 3 (66) of General Clauses Act, 1897 provides that in all the central Acts and Regulations, made after commencement of the General Clauses Act, 1897, unless there is anything repugnant in the subject or context, the term 'year' as defined under section 3(66) of the aforesaid Act of 1897 shall mean a year reckoned according to the British calendar. The provisions are quoted as under:

> *"3. **Definitions.-** In this Act, and in all Central Acts and Regulations made after the commencement of this Act, unless there is anything repugnant in the subject or context, -*
> *(1)…*
> *……*
> *(66) "year" shall mean a year reckoned according to the British calendar."*

This Court finds that the said definition of 'year' as provided under the General Clauses Act, 1897 sought to be applied by NTPC Limited to section 26 of the Act of 2013 to refer to the period of *'immediately preceding three years'* to arrive at market value of the acquired land, is completely out of context and would be contrary to the intent and

manner in which the 'market value' has to be determined under section 26 of the Act of 2013 for payment of compensation .

Section 26 of the Act of 2013 itself refers to the fact that the date for determination of 'market value' shall be the date on which the notification has been issued under section 11 of the Act of 2013.

In the present case, notification under section 11 of the Act of 2013 has been issued on 12th June, 2019. If 'calendar year' is taken into consideration, as argued by NTPC Limited , then the *'previous three calendar years'* would be ***2016, 2017 and 2018*** and the sale-deeds executed in the year 2019 and prior to 12th June, 2019 will not be covered although the intention of the legislature, as it appears from section 26 itself, is to determine the 'market value' of the land as on the date of notification under section 11 of the Act of 2013.

Further, if the arguments of NTPC Limited is taken into consideration, the calendar year of 2019 can certainly not be taken into consideration, inasmuch as, part of the calendar year of 2019 will fall after 12th June, 2019 and the market value has to be determined referable to notification under section 11 of the Act of 2013 and the sale-deeds of *'immediately preceding three years'* are to be taken into consideration.

Accordingly, this Court is of the considered view that reference to 'calendar year' which is sought to be introduced by referring to General Clauses Act, 1897 will be totally out of context and contrary to the provision of determination of 'market value' as on the date of notification issued under section 11 of the Act of 2013. Hence the arguments of NTPC Limited is rejected.

Conclusion

Since as per section 26 of the Act of 2013, the market value is to be determined as on the date of notification under section 11, this court is of the considered view that no other date can be taken as the cut-off date for considering the sale deeds of the *'immediately preceding three years'* other than the date of notification under section 11, which in the present case has been published on 12th June, 2019. Consequently, the period for considering the previous sale deeds

falling under the category '*immediately preceding three years'* would be ***12.06.2016 to 11.06.2019.***

This period is almost matching with the period taken by the concerned authority while offering the compensation to the claimants as per ***exhibit D*** who has taken the period from 12.06.2016 to 12.06.2019. However, there is no sale deed in this case of the date 12.06.2019 and accordingly, 11.06.2019 or 12.06.2019 is immaterial for these cases.

B. Additional evidence

23. Having concluded as aforesaid, it has to be considered as to whether the compensation has been rightly fixed and whether the claimants are guilty of suppression of materials facts from the learned court and what would be the fate of the additional evidence sought to be brought on record by NTPC Limited through I.A No. 2329 of 2026.

I.A No. 2329 of 2026 (additional evidence)

24. The interlocutory application seeking to adduce additional evidence has been filed by NTPC Limited to bring on record as many as 10 sale deeds, all relating to village Tarhesa, most of them are said to have been executed by Ram Swaroop Singh (P.W.1), who himself is one of the claimants, and they fall within the period from 25th July, 2015 to 16th May, 2016. Further, by referring to the said sale deeds it has been argued that the claimants had suppressed material facts from the learned court with respect to the aforesaid sale deeds and the said sale deeds would reveal that the compensation as awarded by the learned trial court is much higher than the entitlement of the claimants in terms of Section 26 read with Section 27 of the Act of 2013. It has also been argued that production of the sale deeds for the first time before this Court has been explained as NTPC Limited came to know about the said sale deeds for the first time when those were produced before them by the claimants. The written submission also contains the chart in connection with the aforesaid sale deeds sought to be placed in record through additional evidence and is based on the sale deeds. The said chart is quoted as under: -

Mouza	Consideration	Area	Date of the Sale deed

Tarhesa	₹ 15,000/-	03 Decimal	May 16, 2016
Tarhesa	₹ 10,000/-	02 Decimal	August 4, 2015
Tarhesa	₹ 5,000/-	01 Decimal	February 9, 2016
Tarhesa	₹ 14,000/-	3 Decimal	July 25, 2015
Tarhesa	₹ 5,000/-	01 Decimal	February 9, 2016
Tarhesa	₹ 5,000/-	01 Decimal	February 9, 2016
Tarhesa	₹ 10,000/-	02 Decimal	January 28, 2016
Tarhesa	₹ 5000/-	01 decimal	January 28, 2016
Tarhesa	₹ 12,000/-	02 Decimal	April 28, 2016
Tarhesa	₹ 5,000/-	01 Decimal	February 9, 2016

25. As held above, the period for considering the previous sale deeds falling under the category '*immediately preceding three years'* would be ***12.06.2016 to 11.06.2019.*** Even the competent authority while offering the compensation had taken the same period into consideration.

This court finds none of the aforesaid sale deeds sought to be brought on record by way of additional evidence through I.A No. 2329 of 2026 falling within the said period and hence, they do not come under the zone of consideration for the purpose of determining the compensation payable to the claimants. Accordingly, the allegation of NTPC Limited that the claimants, particularly P.W-1, are guilty of suppression of materials facts from the court is also rejected. ***In view of the aforesaid findings, the I.A No. 2329 of 2026 seeking to adduce additional evidence is rejected.***

C. Now it is to be examined as to whether the learned trial court has rightly fixed the compensation in terms of the section 26 of the Act of 2013 based on the materials placed on record.

26. The claimants have adduced oral, as well as, documentary evidence.

27. Three witnesses have been examined on behalf of the claimants, P.W. 1 is Ramswarup Ojha, P.W. 2 is Manoj Kumar Ojha and P.W. 3 is Pankaj Lal Jaiswal.

P.W. 1 is also one of the claimants. He has stated that, the land of village Tarhesa was acquired by the District Land Acquisition Officer, Hazaribagh in the year 2019 for NTPC. He further stated that all the claimants jointly submitted petition to the District Land Acquisition Officer to determine the average prevailing market rate at least at Rs.19,000/-, but the authority arbitrarily fixed a very low rate of about Rs.4,823/- per decimal. The nature of land of all the applicants related to the case is the same and the nature of all the land acquired is residential and Tanr No.1 land. The acquired land of the applicants is situated between Tarhesa and Keredari and Keredari is adjacent to the market area. Two highways pass from both the sides and Tandwa Thermal Power plant is situated at a distance of about ½ Kilometre. Apart from this, banks, high school, college, police station, hospital etc. are also situated there. This witness further stated that at the time of land acquisition, the market value of the land was about Rs.50,000/- per decimal. In ***cross-examination,*** P.W. 1 has stated that the compensation for the acquired land was fixed by the government at the flat rate of Rs.4823/- per decimal and land was acquired in the year 2019. The distance of village Barkagaon from Hazaribagh is approximately 5 km and the distance from Barkagaon to Keredari is 2.5 -03 km. This witness denied the suggestion that distance from Hazaribagh to Keredari is about 40 km. He further stated that in the year 2011-12, some amount of compensation was withdrawn, but he did not know how much amount was withdrawn.

P.W. 2 is also one of the claimants . His examination in chief is in the same lines as that of P.W-1. In his ***cross-examination***, he stated that the land was acquired by the government in the year 2019 and in the year 2019, the government rate of land of village Tarhesa was Rs.20,000/- per decimal. The paper of such government rate have not been filed in the court. Tarhesa village is under Keredari area and the distance from Barkagaon to Keredari is about 2.5 km. Tarhesa village is half kilometer away from Chattibazar. NTPC Thermal Power is situated in Chatra District. He has further stated that the khatiyan of the land was filed in the court. As per this witness, no highway passes

through his village, it passes through the Keredari village. He further stated that some money has already been taken from the government for the land for which the present case has been lodged to increase the rate.

P.W. 3 is Pankaj Lal Jaiswal who is a resident of village Jugra. He has also deposed on the similar lines as that of the P.W-1 and P.W-2 and stated that the lands of the claimants were acquired in the 2019 for NTPC Project and the nature of land of all the claimants was same and the nature of land was residential and Tand No.1 land. He stated that the District Land Acquisition Officer, in collusion with NTPC, has fixed a very low rate of about Rs.4823/- per decimal. At the time of acquisition, the price of land of Tarhesa and the area Jamira, Hewai, Bangwari, Jugra etc. was Rs.18,000-20,000 per decimal. In ***cross-examination***, he stated that he had purchased the land in village Tarhesa @ Rs.25,000/- per decimal and he could file the deed of the land. There is Health Centre in village Tarhesa, but there is no college. The land around Tarhesa village was worth between RS.18,000-20,000/- per decimal and he had seen the price mentioned in the sale deed.

28. Sixteen sale deeds have been exhibited on behalf of the claimants as exhibit-1 to exhibit-1/15.

29. No oral evidence has been adduced on behalf of the Land acquisition officer and also NTPC Limited. However, the following documents have been proved on their behalf:

Exhibit A	Attested copy of order-sheet of L.A. Case No.01/2016-17
Exhibit B	Attested copy of sale figure chart.
Exhibit C	Attested copy of estimate.
Exhibit D	Attested copy of rate report
Exhibit E	Attested copy of valuation Khatiyan
Exhibit F	Attested copy of Notification No.562/L.A., dated 07.06.2019

30. During the course of hearing, the learned counsel for the parties have primarily referred to the documentary evidences placed on record by the parties and it is not in dispute that for the purpose of determination of compensation in terms of Section 26 of the aforesaid Act of 2013, three modes, as explained above, under Section 26(1)(a), 26 (1)(b) and 26(1)(c) have been prescribed and whichever is of higher value amongst them, is to be taken into consideration**.**

It is further not in dispute that as per explanation 1 to section 26 of the Act of 2013, the average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreement of sale registered for similar type of area in the nearby village or near vicinity area during immediately preceding three years.

As per explanation 2, for determining the average sale price referred to in explanation 1, half of the total number of sale deeds or the agreements of sale, in which highest sale price has been mentioned, shall be taken into account.

The circle rate has been exhibited by NTPC Limited/ State before the learned court vide ***exhibit-B*** and during the course of arguments it transpired that the circle rate of agricultural land is half of the circle rate for residential land and there are three categories of land. The circle rate with respect to the village Tarhesa involved in these cases has been pointed out by the learned counsel for the parties and has been shown as under: -

Rural Valuation of Hazaribagh District Anchal - Keredari							
Sl	Anchal	Mouja Name	Thana No.	Agriculture	Industrial	Res.	Comm
1	Keredari	Bukchoma	1	1970	2960	3940	5910
…	…..	…..	…..	…..	…..	…..	…..
10	Keredari	Tarhesa	10	2620	3930	5240	7860

31. The claimants in their written notes of arguments have given the details of the sixteen sale deeds exhibited by them and have also calculated the rate per decimal of land depending upon nature of land, residential/agricultural and as mentioned above, circle rate for

agricultural land as on 01.11.2018 is shown as ½ as compared to that of residential land for village Tarhesa involved in these cases. The said chart has been placed during the course of hearing and the calculations made therein based on the sale deed (exhibit- 1 to 1/15) along with other details are not in dispute. The chart is as follows: -

Sl. No.	Sale Deed No.	Date of Sale deed	Mauza	Nature of the Land	Area in Acres	Sale deed value	Rate Per Decimal (Residential)	Rate Per Decimal (Agricultural)	Ext. No.
1.	2124	08.04.2016	Tarhesa	Residential	0.02	50,000	25,000	12,500	**Ext. 1**
2.	2307	21.04.2016	Tarhesa	Residential	0.02	50,000	25,000	12,500	**Ext. 1/1**
3.	1234	25.03.2019	Jamira	Agricultural	0.1450	4,90,000	NIL	33,793	**Ext. 1/2**
4.	1166	13.03.2019	Jamira	Agricultural	0.2533	4,20,000	NIL	16,581.12	**Ext. 1/3**
5.	6581	17.10.2016	Jamira	Residential	0.1950	2,62,000	13,435.89	6,717.94	**Ext. 1/4**
6.	6078	21.09.2016	Hewai	Residential	0.0533	2,60,000	48,780.78	24,390.39	**Ext. 1/5**
7.	277	20.01.2017	Hewai	Residential	0.0430	1,00,000	23,255.81	11,627.90	**Ext. 1/6**
8.	6165	23.12.2017	Bengwari	Residential	0.3415	4,75,000	13,909.22	6,954.61	**Ext. 1/7**
9.	780	30.01.2018	Hewai	Residential	0.2941	3,00,000	10,200.61	5,100.30	**Ext. 1/8**
10.	1971	17.03.2018	Hewai	Residential	0.40	4,95,000	12,375	6,187.50	**Ext. 1/9**
11.	4751	21.07.2018	Hewai	Residential	0.12	2,50,000	20,833.33	10,416.66	**Ext. 1/10**
12.	372	29.01.2019	Hewai	Residential	0.16	1,62,000	10,125	5,062.50	**Ext. 1/11**
13.	1509	28.03.2017	Bengwari	Residential	0.06	75,000	12,500	6,250	**Ext. 1/12**
14.	3572	12.09.2017	Bengwari	Res/Agri	0.48	4,90,000	10,208.33	5,104.16	**Ext. 1/13**
15.	3754	20.06.2018	Bengwari	Res/Agri	1.14	9,75,000	8,552.63	4,276.31	**Ext. 1/14**
16.	6464	24.09.2018	Bengwari	Residential	0.1008	1,30,000	12,896.82	6,448.41	**Ext. 1/15**

32. Altogether 16 sale deeds were exhibited before the learned court by the claimants and no sale deed was exhibited by the State or NTPC Limited. The learned trial court has taken the average of 8 sale deeds of highest rate and the average rate came to Rs. 15,372/- per decimal. While computing the rate, the deeds of residential properties were taken at ½ its rate by referring to the manner of calculation of circle rate. It is important to note that the P.W-3 during his cross examination at para 36 has stated that the lands are agricultural land. However, the learned court reduced and allowed compensation @ Rs. 11,000/- per decimal without assigning any cogent reason and without any justification.

33. The learned counsel for NTPC Limited has raised the following three points on rate of compensation for the acquired land which are as follows: -

> ***(a)No reason has been assigned why circle rate has not been considered, which was of the year 2020 and such consideration would have been as per the mandate of Section 26(1)(a) of the Act, 2013;***

(b)Explanation-1 of Section 26 of the Act of 2013, was not considered in its true perspective, and

(c)Sale deeds for the same village i.e., Tarhesa existed to which one of the claimants himself was a party. The deeds with respect to same village are the best evidence which were required to be taken into consideration in order to ascertain the compensation. It is submitted that additionally, by way of additional evidence, the appellant- NTPC has brought on record the sale-deeds to which Ram Swaroop Ojha (P.W-1- one of the claimants) was a party, which revealed that the rate of land never exceeded Rs. 5,000/- to Rs. 6000/- per decimal for village Tarhesa.

So far as ***point no. (a)*** is concerned, the circle rate for village Tarhesa involved in this case for agricultural land is Rs.2620/- per decimal which is certainly the market value specified for registration of sale deeds and payment of stamp duty under the Indian Stamp Act, 1899 but even the competent authority at the threshold had offered the compensation at much higher rate of Rs. 4823/- per decimal and the state and also NTPC Ltd were not aggrieved by such rate. In fact, the claimants were aggrieved and they sought enhancement of rate of compensation.

Further, the computation of rate of compensation in terms of section 26(1)(b) of the Act of 2013 is much higher than the circle rate and hence the higher rate has to be taken as per section 26 itself.

Consequently, the application of circle rate for the purpose of fixation of compensation is completely ruled out in the fact of these cases. However, the reasoning given by the learned court that circle rate cannot be applied for fixation of rate of compensation for the acquired land by referring to the judgments passed under the repealed Land Acquisition Act, 1894 is misconceived as the rate of compensation of the acquired land has to be arrived by applying the method prescribed under section 26(1)(a) or 26 (1) (b)or 26(1)(c) of the Act of 2013 whichever is higher.

In the instant case, method under section 26 (1)(b) would fetch higher ‘market value’ as compared to method under section 26(1)(a)

referrable to payable stamp duty and hence, circle rate of the acquired land and method prescribed under section ***26 (1)(c)*** are not applicable. Hence, the reference to circle rate to arrive at the 'market value' of the acquired land is of no consequence and the same cannot be applied to the facts of these cases.

So far as ***point no. (b) and (c)*** are concerned, this court has held above while considering the point (A), that is, "*Determination of the Period to be covered within the meaning of the term 'preceding three years' under explanation 1 to section 26(1)(b) of the Act of 2013",* that the sale deeds from ***12.06.2016 to 11.06.2019*** would fall under the zone of consideration for taking average rate in terms of section 26(1)(b) read with explanation 1 and 2 of the Act of 2013. This Court is of the view that none of the sale deeds brought on record by the claimants and sought to be brought on record by the NTPC Limited through additional evidence which relate to the village Tarhesa fall within the zone of consideration and therefore, the rate of land with respect to adjoining villages have to be taken into consideration for arriving at the rate of compensation.

34. In view of the aforesaid discussions, the points raised by the NTPC Ltd to challenge the impugned judgment are devoid of any merits. However, the learned trial court has committed certain errors while applying explanation 2 to section 26(1)(b) of the Act of 2013 which will be discussed later while consideration of computation of compensation.

35. This Court is of the considered view that once the average rate is arrived in terms of the provision of Section 26 (1)(b) of the Act of 2013 and the same is found to be higher than the calculation under Section 26(1)(a) and Section 26(1)(c), the court has no option but to take the average rate as arrived under section 26(1)(b). Therefore, the approach of the learned trial court to take figure of Rs.11,000/- per decimal, which is different from the average rate as arrived under section 26(1)(b), is beyond the scope of Section 26 of the Act of 2013, particularly when neither any cogent reason has been assigned nor any justification has been given. Reference to circle rates while taking the

rate as Rs.11,000/- per decimal while computing rate of compensation under section 26(1)(b) is contrary to the mandate of section 26 of the Act of 2013 itself. Therefore, fixation of compensation at Rs.11,000/- per decimal cannot be sustained in the eyes of law.

D. Computation of rate of compensation of the acquired land

36. Apart from the aforesaid, it is also required to be seen as to which of the sale deeds, amongst the 16 sale deeds, fall within the relevant period i.e. between ***12.06.2016 to 11.06.2019*** to be eligible for consideration for the purpose of taking average rate of ½ of such eligible sale deeds. The competent authority had fixed compensation at flat rate for the entire village and the trial court has also fixed compensation at flat rate but the rate has been enhanced to Rs. 11,000/- per decimal.

This Court finds that Exhibit 1 and Exhibit 1/1 are the sale deeds related to village Tarhesa, which is the village involved in the present case, but they are dated 18.04.2016 and 21.04.2016 respectively and falling beyond the period from 12.06.2016 to 11.06.2019 and therefore, are out of the zone of consideration for calculating the average rate for the acquired land.

So far as rest of the sale deeds are concerned, they are of villages adjoining or nearby to village Tarhesa as it has come during the oral evidence from the side of the claimants as discussed above and consequently, the sale deeds from Exhibit 1/2 to 1/15 fall within the zone of consideration which are total 14 in number. Half of such eligible sale deeds would be total 7 in number.

All the 14 sale deeds, except Exhibit 1/2 and 1/3, are relating to the residential nature of land and therefore, the rate of those sale deeds have been converted into the rate of agricultural land by reducing the same as ½ of the rate of residential land relying on the mode of calculation of circle rate of residential land and agricultural land by the government where the rate of agricultural land comes always ½ of the rate of residential land (Exhibit-B). The average rate of the highest 7 sale deeds (taking rate of agricultural land) would consist of sale deeds at Serial No. 3, 4, 5, 6, 7, 8 and 11 of the above chart (Exhibit

1/2 to 1/7 and Exhibit 1/10) and if average is taken, the calculation would be as under: -

The Total average market value per decimal of highest valued 7 sale deeds, if Ext.1 & Ext. 1/1 are excluded, is calculated as follows: -

33,793.10+16,581.12+6,717.95+24,390.24+11,627.91 +6,954.61+10,416.66 = 1,10,481.59.

Hence, the average market value per decimal of highest valued 7 sale deeds is Rs. 1,10,481.59/7 = Rs.15,783.08 per decimal or Rs.15,783/- per decimal.

37. In view of the aforesaid facts and circumstances, this Court is of the considered view that the rate of compensation in terms of Section 26 of the Act of 2013 would come to ***Rs.15,783/- per decimal***. The compensation granted by the learned trial court at the rate of Rs.11,000/- per decimal in the impugned judgement and awards as discussed above, is hereby set aside to the aforesaid extent and the compensation is now fixed at Rs.15,783/- per decimal as calculated above. It is made clear that the direction by the learned trial court that the claimants would be entitled to all statutory benefits provided under the provisions of the aforesaid Act of 2013 does not call for any interference.

38. The appeals filed by NTPC Limited seeking reduction of compensation payable to the claimants are dismissed.

39. The appeals filed by the claimants are allowed by enhancing the rate of compensation per acre with respect to the acquired land from Rs. 11,000/- per decimal to Rs.15,783/- per decimal. The direction by the learned trial court that the claimants would be entitled to all statutory benefits provided under the provisions of the aforesaid Act of 2013 does not call for any interference.

40. The learned executing court shall take into consideration the interim order dated 10.02.2026 passed in F.A. No. 52 of 2026 and analogous cases whereby stay order was granted subject to certain conditions. Paragraphs 5 to 7 of the order dated 10.02.2026 are quoted as under:

*"**5**. Considering the facts and circumstances of these cases and also the fact that the parties are otherwise ready to argue the case at the earliest, the further proceedings in the execution cases involved in these matters are hereby stayed till 16.03.2026 subject to following conditions: -*

(i) The appellant-NTPC shall deposit the awarded amount with up to date interest calculated till the date of deposit before the learned executing court within a period of 15 days from today. The amount already deposited be adjusted.

(ii) The claimants will be entitled to payment of the compensation amount as awarded by the Land Acquisition Officer which has been deposited by the appellant-NTPC subject to deduction of Court fees which is payable in their respective First Appeal. The amount of payable Court fees with respect to each appeal filed by the claimants has been mentioned in the order passed today itself in the batch of appeals filed by the claimants.

***6.** All these Interlocutory Applications seeking stay of execution of the impugned judgment and awards, are hereby allowed in aforesaid terms.*

***7.** The amount of Court fees so deducted is directed to be remitted by the executing court to the State Government under appropriate account head."*

41. It is for the executing court to ensure that the court fees payable in the 1st appeals filed by the claimants are deducted and remitted to the state government under appropriate head and the state is directed to assist the learned executing court to do the needful in this regard as per law so that there is no loss to the State exchequer on account of court fees. The records of the cases reveal that the court fees have not been paid by the claimants in any of their appeals, except F.A No. 78 of 2026.

42. Pending interlocutory applications, if any, are dismissed as not pressed.

43. Office to prepare decree.

44. Let this order be communicated to the learned court concerned through 'FAX/email'.

(Anubha Rawat Choudhary, J.)

Date of pronouncement: 30.03.2026
Pankaj
Date of Uploading:30.03.2026