

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s) .5480-5486 OF 2013

BALJEET SINGH (D) THR LRS. & ORS. . .APPELLANT(S)
VERSUS

UNION OF INDIA THROUGH LAND ACQUISITION
COLLECTOR & ANR. . .RESPONDENT(S)

WITH

CIVIL APPEAL No(s) .3285-3300 OF 2015

CIVIL APPEAL No(s) .5518 OF 2014

CIVIL APPEAL No(s) .6781-6782 OF 2014

CIVIL APPEAL No(s) .10261-10262 OF 2014

CIVIL APPEAL No(s) .248 OF 2015

CIVIL APPEAL No(s) .3579-3580 OF 2015

CIVIL APPEAL No(s) .15003 OF 2017
(Arising out of SLP(C) No. 12549 of 2015)

CIVIL APPEAL No(s) .3574 OF 2015

CIVIL APPEAL No(s) .15004 OF 2017
(Arising out of SLP(C) No.12545 of 2015)

CIVIL APPEAL No(s) .15005 OF 2017
(Arising out of SLP(C) No.12535 of 2015)

CIVIL APPEAL No(s) .15006 OF 2017
(Arising out of SLP(C) No.12542 of 2015)

CIVIL APPEAL No(s) .15007 OF 2017
(Arising out of SLP(C) No.12540 of 2015)

CIVIL APPEAL No(s) .15008 OF 2017
(Arising out of SLP(C) No.12544 of 2015)

CIVIL APPEAL No(s) .15009 OF 2017
(Arising out of SLP(C) No.12529 of 2015)

CIVIL APPEAL No(s) .4968 OF 2015

CIVIL APPEAL No(s) .15010 OF 2017
(Arising out of SLP(C) No.16235 of 2015)

CIVIL APPEAL No(s) .4962-4963 OF 2015

CIVIL APPEAL No(s) .15011 OF 2017
(Arising out of SLP(C) No.16234 of 2015)

CIVIL APPEAL No(s) .15012 OF 2017
(Arising out of SLP(C) No.12547 of 2015)

CIVIL APPEAL No(s) .15013 OF 2017
(Arising out of SLP(C) No.14864 of 2015)

CIVIL APPEAL No(s) .15014 OF 2017
(Arising out of SLP(C) No. 16237 of 2015)

CIVIL APPEAL No(s) .4964-4965 OF 2015

CIVIL APPEAL No(s) .4971 OF 2015

CIVIL APPEAL No(s) .9169-9170 OF 2015

CIVIL APPEAL No(s) .4967 OF 2015

CIVIL APPEAL No(s) .4072 OF 2015

CIVIL APPEAL No(s) .5639-5644 OF 2015

CIVIL APPEAL No(s) .15016-17 OF 2017
(Arising out of SLP(C) Nos. 28575-28576 of 2015)

CIVIL APPEAL No(s) . 4073 OF 2015

CIVIL APPEAL No(s) . 4957 OF 2015

CIVIL APPEAL No(s) . 4958 OF 2015

CIVIL APPEAL No(s) . 4969 OF 2015

CIVIL APPEAL No(s) . 4973 OF 2015

CIVIL APPEAL No(s) . 4972 OF 2015

CIVIL APPEAL No(s) . 4970 OF 2015

CIVIL APPEAL No(s) . 5638 OF 2015

CIVIL APPEAL No(s) . 4966 OF 2015

CIVIL APPEAL No(s) . 15020 OF 2017
(Arising out of SLP(C) No. 23734 of 2015)

CIVIL APPEAL No(s) . 15021-22 OF 2017
(Arising out of SLP(C) Nos. 23730-23731 of 2015)

CIVIL APPEAL No(s) . 6818 OF 2015

CIVIL APPEAL No(s) . 6930 OF 2015

CIVIL APPEAL No(s) . 9168 OF 2015

CIVIL APPEAL No(s) . 15023 OF 2017
(Arising out of SLP(C) No.35270 of 2015)

CIVIL APPEAL No(s) . 11720 OF 2016

CIVIL APPEAL No(s) . 15024 OF 2017
(Arising out of SLP(C) No. 35268 of 2015)

CIVIL APPEAL No(s) . 15029 OF 2017
(Arising out of SLP(C) No. 192 of 2016)

CIVIL APPEAL No(s) . 15025 OF 2017
(Arising out of SLP(C) No. 34743 of 2015)

CIVIL APPEAL No(s) . 15026 OF 2017
(Arising out of SLP(C) No. 34747 of 2015)

CIVIL APPEAL No(s) . 11712 OF 2016

CIVIL APPEAL No(s) . 5186 OF 2017

CIVIL APPEAL No(s) . 4472 OF 2016

CIVIL APPEAL No(s) .4466 OF 2016

CIVIL APPEAL No(s) .7279 OF 2016

CIVIL APPEAL No(s) .10818 OF 2017

CIVIL APPEAL No(s) .15027 OF 2017
(Arising out of SLP(C) No.37730 of 2016)

O R D E R

Delay condoned.

Substitution application allowed.

Leave granted.

Heard learned counsel for the parties.

The landowners/claimants have come up in the appeal for enhancement of the compensation for the land which has been acquired for the village Mundka and Bakkarwala. Notification under Section 4 of the Land Acquisition Act, 1894 had been issued on 25.2.1997. The High Court had determined the valuation for the land of category "A" at the rate of Rs.2,49,408/- per bigha i.e. at the rate of Rs.11,97,162/- per acre. For the land of "B" category the High Court had determined the valuation at Rs.2,01,117/- per bigha i.e. Rs.9,65,361/- per acre.

The High Court has also determined the valuation by the impugned judgment and order for the notification issued on 21.3.2003 at the uniform rate of Rs.4,03,425/- per bighas i.e. Rs.19,36,440/- per acre.

With respect to notification issued on 17.6.2005 for the land in village Mundka and Bakkarwala, the compensation determined is uniform at the rate of Rs.4,98,589/- per bigha i.e. Rs. 23,93,227/- per acre.

With respect to the yet another Notification under Section 4 of the Act with respect to land at village Bakkarwala issued on 24.9.2003 the compensation determined is Rs.4,25,641/- per bigha

i.e. Rs.20,43,076/- per acre.

Enhancement has been granted at the rate of 10% per annum flat. In the area in question, 1 bigha consists of approx. 17433 sq. feet.

The High Court had relied upon the decision in the case of Pratap Singh and has also taken into consideration the other decisions in the case of Jai Singh.

In the appeals, the learned counsel appearing on behalf of the appellant urged that considering the circle rate notified by the Government of Delhi in January 2008, rate was Rs.53,00,000/- (Rupees Fifty Three Lacs Only) per bigha they have also referred to the decision of this court in the case of Prakash @ Om Prakash (D) vs. Union of India (SLP(C) NO. 12302 OF 2007) in which this court passed an order on 11.2.2015 this court did not interfere with the determination made by the High Court, however, liberty was granted to the appellant to file appropriate application under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the Act of 2013') within one month. In case the applications have been decided by the NCT of Delhi, the order shall be communicated. It was also directed that representations which were pending be decided within two months. It appears that contempt petitions had been preferred in the said and other connected matters in which a valuer had been appointed and compensation has been disbursed under the provisions of the Act of 2013.

Learned counsel appearing on behalf of the appellants thus prayed for enhancement of the compensation and increase at the rate

of at least 15% and that too on a cumulative basis. It was also urged that belting system has been applied by the High Court with respect to village Mundka for the acquisition made in 1997 which was not appropriate as the potential of the land more or less was the same thus compensation ought to have been awarded uniformly for the entire land.

Learned counsel appearing on behalf of the Union of India has supported the determination made by the High Court and submitted that circle rate notified in January 2008 could not have been taken into consideration being subsequent to the Notification issued under Section 4 of the Act. It was also submitted that the decision in *Prakash Singh's* case (supra) is of no value as provisions of Section 24 (2) of the Act of 2013 are not at all attracted to the fact situation of the instant cases. The reference had been made and the appeals are for its enhancement. The determination made by the reference court has been questioned by the landowners as well as by the Union of India. Now landowners have come up for further enhancement. There is no applicability of provisions of Section 24(2) of the Act of 2013. It was also submitted that deduction has to be made for development and for the smallness of the area covered by the exemplars.

Learned counsel appearing for the appellants have relied upon the following exemplars:

| Ex.No. | Village where land situated | Area sold | Date of sale | Sale consideration in rupees (stamp duty not included) | Average value in rupees |
|--------|-----------------------------|---------------------------|--------------|--|--|
| PW1/1 | Mundka | 1Bigha 17 Biswa (½ share) | 5-10-2004 | 10,00,000 | 10,81,081 per Bigha or 54,054.054 per Biswa |
| PW1/2 | Hiran Kudna | 4 Bigha 16 Biswa | 5-8-2003 | 75,00,000 | 15,62,500 per Bigha or 78,125 per Biswa |
| PW1/3 | Mundka | 1Bigha 03 Biswa | 5-8-1996 | 4,75,000 | 4,13,043.46 per Bigha or 20,652.17 per Biswa |
| PW1/4 | Mundka | 1Bigha 04 Biswa | 12.11.1999 | 4,80,000 | 4,00,000 per Bigha or 20,000 per Biswa |

After hearing learned counsel for the parties and going through the evidence on record, we are of the considered opinion that even if we take into consideration the sale instance with respect to village Mundka dated 5.8.1996 by which sale of one bigha 3 Biswas land took place for a sum of Rs.4,75,000/- i.e. at the rate of Rs.4,13,043 per bigha. In the cases, this is the best exemplar which could be relied upon by the landowners. The sale deed dated 5.10.2004 and 5.8.2003 PW1/1 and PW1/2 are in subsequent point to time to the Notification dated 31.3.2003 for village Mundka and could not have been taken into consideration.

Even if sale deed dated 12.11.1999 (PW1/4) is taken into consideration, valuation comes less than the sale instance of 5.8.1996. In our opinion, when we take into consideration the sale deed dated 05.08.1996 as the best exemplar for the landowners,

certain deductions have to be made for development and smallness of the area as per the law laid down by this court in *Maj. Gen. Kapil Mehra v. The Union of India*, (2015) 10 SCC 262.

Even if we accept the submission that some more increase of 12% or 15% ought to have been given per annum that could not have been given on a cumulative but only on a flat basis considering the fact situation of appreciation in value that has taken place in the relevant years. The approach of the High court in applying the appreciation of value at flat rate is found to be proper even if we increase the appreciation of value per annum at the rate of 15% but make the deduction towards development and smallness of the area covered in the transaction dated 5.8.1996, compensation would come approximately the same to what has been determined by the High Court.

Thus we are not inclined to enhance compensation except for removing belting system applied by the high court for the "B" category area relating to notification of 1997.

The High Court for Village Mundka has applied belting system. For the land of "A" category compensation determined is Rs.2,49,408/- per bigha and for "B" category are Rs.2,01,117/- per bigha. In the facts and circumstances, application of the belting system for grant of compensation was not appropriate in the light of the principles laid down by this court in *Trishla Jain v. State of Uttaranchal* AIR 2011 SC 2458. Hence we deem it appropriate to enhance the compensation for "B" category area which has been acquired under Section 4 of the Act on 25.2.1997 as determined by the High Court for "A" category area i.e. Rs.2,49,408/- per bigha

along with statutory benefits. Said determination is to be applied uniformly to the land covered under said notification. The remaining determination made by the High Court is found to be appropriate.

Provisions of Section 24(2) of the Act of 2013 are not attracted at all in the facts and circumstances of the instant case as compensation had been determined long back and reference under Section 18 of the Act had been sought and compensation had also been paid. Now *lis* is going on for the last more than 10 to 15 years for enhancement of the compensation. We refrain to further go into the proceedings under the contempt application and the valuer appointed for determination of the current price in those proceedings as in our considered opinion, provisions of Section 24(2) are not at all attracted. The exercise undertaken for determination of today's valuation is of no use in the appeals.

The appeals are allowed to the aforesaid extent. Compensation so enhanced to be paid within a period of three months from today.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
SEPTEMBER 19, 2017

ITEM NO.1

COURT NO.10

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5480-5486/2013

BALJEET SINGH (D) THR LRS. & ORS.

Appellant(s)

VERSUS

UNION OF INDIA THROUGH LAND ACQUISITION
COLLECTOR & ANR.

Respondent(s)

(IA No.85966/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. In Connected Case SLP(C) No.012545-012545/2015 and IA No.85965/2017-APPLICATION FOR SUBSTITUTION In Connected Case SLP(C) No.012545-012545/2015 and IA No.85959/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. In Connected Case C.A. No.003579-003580/2015 and IA No.85958/2017-APPLICATION FOR SUBSTITUTION In Connected Case C.A. No.003579-003580/2015 and IA No.85944/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. In Connected Case C.A. No.003285-003300/2015 and IA No.85941/2017-APPLICATION FOR SUBSTITUTION In Connected Case C.A. No.003285-003300/2015 and)

WITH

C.A. No. 3285-3300/2015 (XIV)

(and IA No.85941/2017-APPLICATION FOR SUBSTITUTION and IA No.85944/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

C.A. No. 3579-3580/2015 (XIV)

(and IA No.85958/2017-APPLICATION FOR SUBSTITUTION and IA No.85959/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

SLP(C) No. 12549/2015 (XIV)

C.A. No. 3574/2015 (XIV)

SLP(C) No. 12545/2015 (XIV)

(IA No.85966/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. and IA No.85965/2017-APPLICATION FOR SUBSTITUTION and)

C.A. No. 5186/2017 (XIV)

C.A. No. 4472/2016 (XIV)

C.A. No. 4466/2016 (XIV)

SLP(C) No. 12535/2015 (XIV)

SLP(C) No. 12542/2015 (XIV)

SLP(C) No. 12540/2015 (XIV)

SLP(C) No. 12544/2015 (XIV)

SLP(C) No. 12529/2015 (XIV)

C.A. No. 4968/2015 (XIV)

SLP(C) No. 16235/2015 (XIV)

C.A. No. 4962-4963/2015 (XIV)

(FOR CONDONATION OF DELAY IN FILING ON IA 1/2015

FOR CONDONATION OF DELAY IN REFILING ON IA 3/2015)

SLP(C) No. 12547/2015 (XIV)
 SLP(C) No. 16234/2015 (XIV)
 SLP(C) No. 14864/2015 (XIV)
 SLP(C) No. 16237/2015 (XIV)
 C.A. No. 4964-4965/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 1/2015
 FOR CONDONATION OF DELAY IN REFILING ON IA 3/2015)
 C.A. No. 4971/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 1/2015
 FOR CONDONATION OF DELAY IN REFILING ON IA 2/2015)
 C.A. No. 9169-9170/2015 (XIV)
 C.A. No. 4967/2015 (XIV)
 C.A. No. 4072/2015 (XIV)
 C.A. No. 5639-5644/2015 (XIV)
 SLP(C) No. 28575-28576/2015 (XIV)
 C.A. No. 4073/2015 (XIV)
 C.A. No. 5518/2014 (XIV)
 C.A. No. 4957/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 1/2015)
 C.A. No. 4958/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 1/2015)
 C.A. No. 6781-6782/2014 (XIV)
 C.A. No. 4969/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 7/2015)
 C.A. No. 4973/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 1/2015)
 C.A. No. 4972/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 1/2015)
 C.A. No. 4970/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 1/2015)
 C.A. No. 5638/2015 (XIV)
 C.A. No. 4966/2015 (XIV)
 (FOR CONDONATION OF DELAY IN FILING ON IA 1/2015)
 SLP(C) No. 23734/2015 (XIV)
 SLP(C) No. 23730-23731/2015 (XIV)
 C.A. No. 6818/2015 (XIV)
 C.A. No. 7279/2016 (XIV)
 C.A. No. 6930/2015 (XIV)
 C.A. No. 10261-10262/2014 (XIV)
 C.A. No. 9168/2015 (XIV)
 SLP(C) No. 35270/2015 (XIV)
 C.A. No. 11720/2016 (XIV)
 SLP(C) No. 35268/2015 (XIV)
 C.A. No. 10818/2017 (XIV)
 SLP(C) No. 37730/2016 (XIV)
 SLP(C) No. 192/2016 (XIV)
 SLP(C) No. 34743/2015 (XIV)
 SLP(C) No. 34747/2015 (XIV)
 C.A. No. 11712/2016 (XIV)
 C.A. No. 248/2015 (XIV)

Date : 19-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Dinesh Agnani, Sr. Adv.
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 Mr. Akash Parasar, Adv.
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 Mr. Ghan Shyam Vasisht, AOR

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Mr. Govind Goel, Adv.
Mr. Ankit Goel, Adv.
Ms. Aasita, Adv.
Mr. Alok Kumar Dwivedi, Adv.
Dr. Kailash Chand, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Substitution application allowed.

Leave granted.

Appeals are allowed to the extent indicated in the
signed order.

(NEELAM GULATI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER
(signed order is placed on the file)