

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

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).13914/2021

(Arising out of impugned final judgment and order dated 23-08-2018 in LAAPP No.21/2016 passed by the High Court Of Tripura At Agarthala)

THE IN-CHARGE, HR-ER,
OIL & NATURAL GAS CORPORATION LTD.

Petitioner(s)

VERSUS

NANDA RANI DEBNATH & ORS.

Respondent(s)

(IA No.193654/2022 - STAY APPLICATION)

Date : 10-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Akshay Amritanshu, Adv.
 Mr. Ashutosh Jain, Adv.
 Mr. Samyak Jain, Adv.
 Mr. Ankit Kumar Lal, AOR

For Respondent(s) Mr. Deepak Goel, AOR
 Ms. Urvashi Sharma, Adv.
 Ms. Baby Devi Bonia, Adv.
 Mr. Ajay Kumar Singh, Adv.
 Ms. Ruby Kumari, Adv.
 Ms. Alka Goyal, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Shashank, Adv.
Mr. R. Dutta, Adv.

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

1. Delay in filing the special leave petition is condoned.
2. Application for substitution is allowed after condoning the delay and the abatement is set aside.

3. Cause title be amended accordingly.

4. The Oil and Natural Gas Corporation is aggrieved by the judgment and order dated 23.08.2018 passed by a learned Single Judge of the High Court of Tripura, whereby compensation for the acquired land owned by respondents no.1 to 16 has been enhanced from Rs.5 lakhs per kani to Rs.8 lakh per kani.

5. The undisputed facts are that the subject land along with other adjoining lands was acquired vide notifications dated 14.02.2014 issued under Section 4 read with Section 17(1) of the Land Acquisition Act, 1894 (for short "the Act"). The Land Acquisition Collector on 08.09.2006 determined the compensation at the rate of Rs.1 lakh per kani, which was enhanced to Rs.5 lakh per kani by the Reference Court under Section 18 of the Act.

6. It appears, the respondents did not file any reference under Section 18 of the Act but they subsequently moved under Section 28A of the Act and sought compensation at the enhanced rate. The High Court eventually, after applying 60% cut on the rate of the viti class of land i.e. Rs.20 lakhs per kani, has determined the compensation at the rate of Rs.8 lakhs per kani.

7. The only argument raised before us is that in respect of the same acquisition, the High Court had earlier applied a cut of 75% and had determined compensation at the rate of Rs.5 lakhs per kani.

8. We have considered the submission with reference to the site plan referred to on behalf of the petitioner.

9. In our considered view, the deduction at the rate of 60% levied by the High Court on the market value of viti class of land, is just and fair. The High Court has applied deduction keeping in

view the location of the subject-land. No interference in the impugned judgment is, thus, called for. The special leave petition is, accordingly, dismissed.

10. Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)