

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).2999 OF 2022
(Arising out of SLP (Civil) No(s).7323 of 2022)
(Arising out of Diary No.19290/2021)

SHIBBU (SINCE DECEASED) THR. LRS

APPELLANT(S)

VERSUS

STATE OF U.P. & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO(S).3000 OF 2022
(Arising out of SLP (Civil) No(s).7324 of 2022)
(Arising out of Diary No.19291/2021)

O R D E R

Delay condoned.

Leave granted.

These appeals challenge the judgment and order dated 08.04.2015 passed by the High Court of Judicature at Allahabad in First Appeal Nos.452/2014 and 173/2013. The present acquisition consists of 139.6483 Hectares in the Village Uncha Amirpur, Pargana Dasna, Tehsil Hapur, District Ghaziabad for the purpose of establishing a power plant in the National Capital Region by NTPC. The notification under Section 4(1) of the Land Acquisition Act, 1894 came to be published on 05.08.1986. By an Award dated 08.11.1988, Rs.5/- per sq. yard was granted as compensation. However, this was

enhanced by the Reference Court *vide* its judgment dated 31.05.2001 by awarding Rs.43/- per sq. yard taking 35% as deduction. By the impugned judgment, even though the deduction figure was reduced to 30%, the figure of Rs.40/- per sq. yard was finally arrived at.

During the course of the arguments, learned counsel for the appellant(s) invited our attention to the order dated 05.11.2019 passed by this Court in Civil Appeal No.8419 of 2019, titled "Mahaveer Singh (Dead) By LRs v. State of U.P. & Another", to submit that in a similar case arising out of the acquisition from the same village, this Court had raised the compensation figure from Rs.40/- to Rs.50/- per sq. yard. He submits that similar relief may also be granted in the instant matter.

The aforestated Order dated 05.11.2019 reads as under:

"Delay condoned.

Application for impleadment is allowed.

Leave granted.

The present acquisition consists of 139.6483 Hectares in Village Uncha Amirpur, Pargana-Dasna, Tehsil Hapur, District Ghaziabad for the purpose of establishing a power plant in the National Capital Region by NTPC. The Section 4(1) notification in these cases is dated 05.08.1986. By an Award dated 08.11.1988, Rs. 5/- per sq. yard was granted

as compensation. However, this was enhanced by the Reference Court, by a judgment dated 31.05.2001, for a sum of Rs.43/-per sq. yard taking 35% as deduction. By the impugned judgment, even though the deduction figure was reduced to 30%, the figure of Rs. 40/- per sq. yard was finally arrived at.

In the course of arguments, a recent order of this Court dated 11.05.2018 in Gunvir Singh & Ors. vs. State of U.P. & Ors. (Civil Appeal No. 5004 of 2018) was pointed out to us. In this case, acquisition was made for the same purpose of land in village Salarpur which is adjoining Village Uncha Amirpur in this case. The difference is that the Section 4 notification qua this village was on 21.10.1985. This Court held in the aforesaid order that the figure of Rs. 29/- per sq. yard given by the High Court was on the low side, and therefore in the peculiar facts awarded a compensation of Rs.36/- per sq. yard instead. It was also pointed out that the deduction taken at 30% could not be found fault with.

Given the fact that in the present appeals the Section 4 notification was 10 months later, in the peculiar facts of these cases, we raise the compensation figure from Rs.40/- to Rs. 50/- per sq. yard.

The appeals are disposed of accordingly."

In view of the order dated 05.11.2019 passed by this Court in Civil Appeal No.8419 of 2019, the relief in these appeals is also made out on similar terms. Ordered accordingly.

In the facts and circumstances of the case, the appellant(s) shall not be entitled to claim interest for the differential enhanced compensation for the

period of delay in these cases.

The appeal(s) are disposed of in aforesaid terms,
with no order as to costs.

.....J.
(S. RAVINDRA BHAT)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

NEW DELHI,
APRIL, 18, 2022

ITEM NO.29

COURT NO.17

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 19290/2021

(Arising out of impugned final judgment and order dated 08-04-2015 in FA No. 452/2014 passed by the High Court Of Judicature At Allahabad)

SHIBBU (SINCE DECEASED) THR. LRS

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(IA No.148434/2021-CONDONATION OF DELAY IN FILING and IA No.148438/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

Diary No(s). 19291/2021 (XI)

(IA No.138217/2021-CONDONATION OF DELAY IN FILING and IA No.138220/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 18-04-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s)

Mr. Satpal Singh, AOR
Mr. Govinda Chaudhary, Adv.

For Respondent(s)

Ms. Shefali Mitra, Adv
Mr. Mahesh Kasana, Adv.
Mr. Asutosh Sharma, Adv.
Mr. Ajit Kumar Ekka, AOR

Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.

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

Delay condoned.

Leave granted.

The appeal(s) are disposed of in terms of

the signed order.

Pending applications are also disposed of.

(NEETU KHAJURIA)
COURT MASTER

(VIRENDER SINGH)
COURT MASTER

(Signed order is placed on the file.)