

05.10.2020

Proceedings have been held by way of physical hearing.

Present: Mr. Achin Saxena, on behalf of petitioner
Mr. A.C. Tiwari, counsel for respondent
no. 1/UOI
None for respondent no. 2/MCD

Vide separate judgment of the even date, the reference is disposed of by holding that the compensation awarded to the petitioner at the rate of Rs.20,900/- per sq. meter by LAC was inadequate and unreasonable. Petitioner was required to be paid compensation at the rate of Rs.28,438.53 (Rupees twenty eight thousand four hundred thirty eight and paise fifty three only) per square meter. Petitioner is thus entitled to enhancement of compensation to the tune of Rs.7,538.53 (Rupees seven thousand five hundred thirty eight and paise fifty three only) along with 30% solatium.

Petitioner is also entitled to additional amount at the rate of 12% p.a. from the date of notification till the date of possession or date of award whichever is earlier as per provisions of Section 23 (1-A) of the Land Acquisition Act. Petitioner shall be entitled to the interest at the rate of 9% for first year from the date of taking of possession of land in question and 15% for subsequent years till the entire payment of compensation is made as per Section 28 of the Act.

Needless to emphasize that the compensation payable to the petitioner would be as per share percentage adjudicated in Reference Petition pertaining to sec 30-31 of said Act. In this context, it would be pertinent to mention the judgment in case bearing no. LAC No 10A/10/07 titled Union of India Vs Harish Virmani & Ors. passed by Id Predecessor Judge. As per para no. 198 of the judgment, IP No. 23 M/s Divya Automates (petitioner herein) was held entitled to area of 4.2696 sq. meters (i.e. 60% of 20% of 35.58 sq. meters.) and 3.328 sq. meters (i.e. 40% of 20% of 41.66 sq. meters). Total area under the said comes out to $4.2696 + 3.328 = 7.597$ Sq. meters.

Apart from the above, the petitioner is also entitled to enhancement qua its un-disputedly owned land of 11.13 sq. meters (i.e. 60% of 18.55 sq. meters) as mentioned in the statement under Section 19 of the L.A Act. In this way, the total area comes out to $7.597 + 11.13 = 18.727$ sq. meters.

A copy of the judgment be sent to Land Acquisition Collector (West) for information and necessary action. Decree sheet be prepared accordingly. File be consigned to Record Room.

(Umed Singh Grewal)
ADJ-02, WEST
05.10.2020