



IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

2018:HHC:1944

RFA No. 84 of 2013 alongwith connected matters.

Date of Decision: 06.04.2018

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1. RFA No. 84 of 2013 & CO No.71 of 2017
N.T.P.C. Kol Dam, Barmana, Bilaspur. ...Appellant.
Versus
Brij Lal & another ..Respondents.
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2. RFA No. 85 of 2013
N.T.P.C. Kol Dam, Barmana, Bilaspur. ...Appellant.
Versus
Bardu & others ..Respondents.
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3. RFA No. 86 of 2013 & CO No.72 of 2017
N.T.P.C. Kol Dam, Barmana, Bilaspur. ...Appellant.
Versus
Sanjay Kumar & others ..Respondents.
-
4. RFA No. 87 of 2013 & CO No.73 of 2017
N.T.P.C. Kol Dam, Barmana, Bilaspur. ...Appellant.
Versus
Bardu & others ..Respondents.
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5. RFA No. 88 of 2013 & CO No.25 of 2015
N.T.P.C. Kol Dam, Barmana, Bilaspur. ...Appellant.
Versus
Bardu & others ..Respondents.
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6. RFA No. 89 of 2013 & CO No.74 of 2017
N.T.P.C. Kol Dam, Barmana, Bilaspur. ...Appellant.
Versus
Babu Ram & others ..Respondents.
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7. RFA No. 90 of 2013
N.T.P.C. Kol Dam, Barmana, Bilaspur. ...Appellant.
Versus
Babu Ram & others ..Respondents.
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8. RFA No. 91 of 2013 & CO No.75 of 2017
N.T.P.C. Kol Dam, Barmana, Bilaspur.

...Appellant.

Versus

Ram Dhan & others ..Respondents.

9. RFA No.92 of 2013 & CO No.7 of 2018
N.T.P.C. Kol Dam, Barmana, Bilaspur.

...Appellant.

Versus

Daulat Ram & others ..Respondents.

10. RFA No. 93 of 2013
N.T.P.C. Kol Dam, Barmana, Bilaspur.

...Appellant.

Versus

Chet Ram & others ..Respondents.

11. RFA No. 94 of 2013 & CO No.8 of 2018
N.T.P.C. Kol Dam, Barmana, Bilaspur.

...Appellant.

Versus

Ram Dhan & others ..Respondents.

12. RFA No. 95 of 2013 & CO No.9 of 2018
N.T.P.C. Kol Dam, Barmana, Bilaspur.

...Appellant.

Versus

Sada Ram & others ..Respondents.

13. RFA No. 96 of 2013 & CO No.11 of 2018
N.T.P.C. Kol Dam, Barmana, Bilaspur.

...Appellant.

Versus

Baboo Ram & others ..Respondents.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Acting Chief Justice.

Whether approved for reporting?¹No.

¹ Whether reporters of the local papers may be allowed to see the judgment?



For the Appellant: Mr. Kul Bhushan Khajuria, Advocate, for the appellant/N.T.P.C/Non-Objectors.

For the Respondents: Mr.Ashok Sharma, Advocate General, with M/s Adarsh Sharma, Additional Advocate General, J.K. Verma and Ms.Svaneel Jaswal, Deputy Advocate General, for the respondent/State/Non-objector.

Mr.Abhishek Sharma, Ms.Veena Sharma, Mr.R.K.Bansal & Mr.Anil God, Advocates, for the respective respondents/Cross-objectors.

Sanjay Karol, ACJ (oral)

CMP(M) No.1703 of 2017 in CO No.71 of 2017
CMP(M) No.1705 of 2017 in CO No.72 of 2017
CMP(M) No.1708 of 2017 in CO No.73 of 2017
CMP(M) No.854 of 2015 in CO No.24 of 2015
CMP(M) No.952 of 2015 in CO No.25 of 2015
CMP(M) No.1712 of 2017 in CO No.74 of 2017
CMP(M) No.1 of 2018 in CO No.75 of 2017
CMP(M) No.161 of 2018 in CO No.7 of 2018
CMP(M) No.163 of 2018 in CO No.8 of 2018
CMP(M) No.164 of 2018 in CO No.9 of 2018

For the reasons set out in the application, delay of in filing the Cross-Objection(s), which in my considered view, has sufficiently been explained, is condoned. Applications stand disposed of.

CMP(M) Nos.1670 & 671/2015 in RFA No.88/2013

For the reasons set out in the applications, after condoning delay in filing the application for bringing on record the LRs of deceased respondent No.4, Sita Ram, his name is directed to be substituted with that of his LRs as mentioned in the application. Registry is directed to carryout necessary



corrections in the Memo of parties. Applications stand disposed of.

RFA Nos.84 of 2013 to 96 of 2013

In these appeals, so filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act), the beneficiary(ies) of the acquisition proceedings have assailed the award dated 22.09.2012, passed by learned District Judge, Bilaspur, H.P. in Land Reference Petition No.42 of 2007, titled as *Ram Dhan & others vs. The Land Acquisition Collector, Kol Dam, Bilaspur & another*. In some cases, the claimants have also filed the cross-objections.

2. Undisputedly claimants' land situate in village Chamyon, Tehsil Sadar, District Bilaspur, H.P., came to be acquired for public purpose, namely, construction of Kol Dam. Acquisition proceedings commenced with the publication of notification issued under Section 4 of the Act on 18.10.2000. The Collector Land Acquisition passed his award No.13 of 2004 on 31.05.2004. It is a matter of record that market value of the acquired land came to be assessed at different rates, classification/category wise ranging from ₹94,553/- to ₹4,25,266/- per bigha. Aggrieved thereof, claimants filed land reference petition under Section 18 of the Act, seeking re-determination of the market value of the acquired land, which



stands decided in terms of impugned award dated 22.09.2012, in terms whereof, the market value of the acquired land stands re-determined @ ₹4,25,266/- per bigha, on uniform basis, irrespective of the classification and category of land.

3. It is not in dispute that appeal arising out of similarly situated claimants, as also very same acquisition proceedings, arising out of very same notifications under Sections 4 and 11 of the Act, stands decided by this Court vide judgment dated 11.01.2017, passed in RFA No. 580 of 2012, titled as *NTPC Ltd. (Kol Dam) Barmana vs. Sewa Dass & another*. As such, the present appeals as also the cross-objections are squarely covered by the said decision, for the issues involved are identical. This fact is not disputed. As such, the present appeals as also the cross-objections stand disposed of, in terms of the said judgment. Directions issued in *Sewa Dass* (supra) shall *mutatis mutandis* apply to the instant cases also. Pending application(s), if any, also stand disposed of accordingly.

April 6, 2018
(Purohit)

(Sanjay Karol),
Acting Chief Justice.