

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**RFA No.176 of 2017 a/w****RFA No.66 of 2022****Decided on: 01.04.2026**

1. RFA No.176 of 2017

Land Acquisition Collector, HPSEB & another

.....Appellants

Versus

Goverdhan Singh & others

.....Respondents

2. RFA No.66 of 2022

Goverdhan Singh & others

.....Appellants

Versus

State of HP and others

.....Respondents

*Coram***Hon'ble Mr. Justice Sushil Kukreja, Judge**¹ *Whether approved for reporting?*

RFA No.176 of 2017

For the appellants:

Mr. Vivek Negi, Advocate, for the appellants.

For the respondents:

Mr. Pankaj Sawant & Mr. Karan Thakur, Advocates, for respondents No.1 to 10.

Mr.B.N. Sharma, Additional Advocate General, for respondent No.11/State.

Mr. Abhishek Rana, Advocate, vice Mr.Dhananjay Sharma, Advocate, for respondent No.12.

RFA No.66 of 2022

For the appellants:

Mr. Pankaj Sawant & Mr. Karan Thakur, Advocates, for the appellants.

For the respondents:

Mr.B.N. Sharma, Additional Advocate General, for respondent No.1/State.

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

Mr. Abhishek Rana, Advocate, vice
Mr.Dhananjay Sharma, Advocate, for
respondent No.2.

Mr. Vivek Negi, Advocate, for
respondents No.3 to 5.

Sushil Kukreja, Judge (oral)

Since both these appeals are the offshoot of impugned award dated 01.07.2016, passed by learned Additional District Judge-II, Shimla,HP (hereinafter referred to as 'the Reference Court') in Land Ref.No.54-S/4 of 2015/11, hence, they are being taken up together for disposal.

2. The appeal, being RFA No.176 of 2017, is maintained by the appellant-HPSEB under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') with a prayer to set-aside the impugned award and thereby dismiss the reference petition with costs.

3. Similarly, the appeal, being RFA No.66 of 2022, is maintained by the appellants-petitioners under Section 54 of the Act, with the prayer that the impugned award be modified to the extent that the petitioners be held entitled to compensation for the entire acquired land and they be paid compensation for the total utilized land @ Rs.3,038/- per centiare.

4. Briefly stated the facts, giving rise to these appeals, are that a notification under Section 4 read with Section 17(4) of the Act was issued by the Government of Himachal Pradesh on 26.07.2005,

which was published in *Rajapatra* on 13.08.2005 and also in two daily news papers, i.e. '*Hindustan Times*' and '*Dainik Bhasker*' on 17.08.2005. Thereafter, notification under Sections 6 and 7 of the Act was issued on 07.02.2006, which was published in '*Danik Jagran*' and '*Punjab Kesari*' on 27.02.2006, wherein it was mentioned that specific land was being acquired for starting '*Sawra Kuddu Hydro Electric Project*', situated in village Mungra Nadal, Tehsil Jubbal, District Shimla. Subsequently, the land acquisition proceedings under Section 8 of the Act were conducted by the acquiring department and after detailed inquiry, the Land Acquisition Collector passed award No.592, dated 31.03.2008, after 20% reduction in the market rates and the rates of different categories of land on the basis of transaction were assessed in Mauza Mungra Nadal, which read as under:-

Sr. No.	Classification of land	Rate per sqmt. (Centiare)
1.	Kayar abbal	Rs.1,026=79
2.	Kayar Dom	Rs.899=50
3.	Kulahu Abbal	Rs.763=73
4.	Kulahu Dom	Rs.704=33
5.	Bakhal Abbal	Rs.636=40
6.	Bakhal Dom	Rs.517=64
7.	Gair Mujruha Banjar Kadeem	Rs.161=23

5. The petitioners (appellants in RFA No.66 of 2022) feeling aggrieved and dissatisfied with the said award, preferred a reference petition under Section 18 of the Act, with a prayer to refer the matter

to the learned District Judge for enhancement of the amount of compensation.

6. The learned Reference Court, vide common award dated 01.07.2016, allowed the reference petition and the petitioners were held entitled to enhanced compensation at the rate of Rs.3,038/- per centiare, irrespective of classification of the acquired land and they were also not liable for any deduction. In addition, the petitioners were also held entitled to *solatium*, additional acquisition charges, interest etc.

7. I have heard learned counsel for the respective parties and have also carefully gone through the records.

8. Learned counsel for the parties are *ad idem* to the fact that these appeals are squarely covered by a common judgment dated 12.10.2018, passed by a Co-ordinate Bench of this Court in a bunch of appeals, lead case being ***RFA No.368 of 2014***, titled as ***The Himachal Pradesh Power Corporation Limited and another Vs. Narayan Singh and others***, wherein it has been held as under:-

"101. Considering entire facts and circumstances and evidence, in case 45% deduction is made in the highest value of Rs.4914/-, then value of land will be at the rate of Rs.2702/- per centiare, which is slightly higher than highest sale deed No.365/2004. On deduction at the rate of 50%, it would be Rs.2457/-, which is lesser than highest value in exemplar sale deed No.365/2004. Mean of these two values will be Rs.2579/-, which is again less than the value arrived at on the basis of sale deed No.365 of 2004. The value of land at the rate of Rs.2702/- per centiare, arrived at after deduction of 45% is Rs.4914/-, is slightly higher than the value of land at the rate of Rs.2631/- per centiare arrived at on the basis of highest sale deed

No. 365/2004, appears to be just and fair value of land. Therefore, it would be appropriate to determine value of acquired land at the rate of Rs.2700/- per centiare.

102. In view of above discussion, land owners in appeals in Lots 'A' and 'B' are held entitled for compensation at the rate of Rs.2700/- per centiare alongwith consequential statutory benefits under the law."

9. Leaned counsel for the parties are also *ad idem* to the fact that their appeals fall in Lot 'B' in the aforesaid judgment. Therefore, in view of the judgment passed by the Coordinate Bench of this Court in **Narayan Singh's** case (supra), the petitioners (appellants in RFA No.66/2022) are held entitled for compensation at the rate of Rs.2700/- per centiare alongwith consequential statutory benefits under the law.

10. Consequently, in view of the above discussion, the appeal preferred by the appellant-HPSEB, being RFA No.176 of 2017 is allowed, whereas, the appeal, being RFA No.66 of 2022, preferred by the appellants-petitioners is dismissed.

Pending miscellaneous application(s), if any, shall also stand disposed of.

(Sushil Kukreja)
Judge

April 01, 2026
(V.Himalvi)