



2018:HHC:914

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

RFA No. 16 of 2014 alongwith connected
appeals

Date of Decision: March 6, 2018

1. RFA No. 16 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power
Project.

...Appellant.

Versus

Ms.Sukhan Devi & another ..Respondents.

2. RFA No. 17 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power
Project.

...Appellant.

Versus

Smt. Gambharu, through LRs & another ..Respondents.

3. RFA No. 18 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power
Project.

...Appellant.

Versus

Smt.Roshani Devi & another ..Respondents.

4. RFA No. 19 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power
Project.

...Appellant.

Versus

Shri Desh Raj & Another ..Respondents.

5. RFA No. 20 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power
Project.

...Appellant.

Versus

Ms.Geeta Devi & others ..Respondents.

6. RFA No. 21 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power Project.

...Appellant.

Versus

Ms.Laxmi Devi & another ..Respondents.

7. RFA No. 22 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power Project.

...Appellant.

Versus

Smt.Mangalu Devi & another ..Respondents.

8. RFA No. 23 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power Project.

...Appellant.

Versus

Smt.Sunita Devi & another ..Respondents.

9. RFA No. 24 of 2014

The General Manager, NTPC Limited, Kol Dam, Hydro Power Project.

...Appellant.

Versus

Smt.Kadasi Devi & another ..Respondents.

Coram:

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

Whether approved for reporting?¹ No.

For the Appellants: Mr. Neeraj Gupta, Advocate, with Ms.Poonam Gehlot, Advocate, for the appellant-NTPC Limited.

For the Respondents: M/s Jagan Nath, Abhishek Sharma & Ms.Veena Sharma, Advocates, for the respective claimants.

Mr.Ashok Sharma, Advocate General, with Mr.Adarsh Sharma, Additional Advocate General, for the respondent-State.

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



Sanjay Karol, ACJ (oral)

CMP(M) No. 1254 of 2014 in RFA No.17 of 2014

Respondent No.1 Gambharu expired on 18.04.2013, leaving behind her LRs as per particulars mentioned in para 5 of the application. Delay in filing the application, which in my considered has sufficiently been explained, is condoned. Application is allowed and name of respondent No.1 is directed to be substituted with that of her LRs. Abatement, if any, set aside. Registry is directed to carryout necessary corrections in the Memo of parties. Application stands disposed of.

RFA Nos.16/2014, 17/2014, 18/2018, 19/2014, 20/2014, 21/2014, 22/2014, 23/2014 & 24/2014

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 23.10.2013, passed by learned District Judge, Bilaspur, H.P., in Land Reference Petition No.197 of 2008, titled as *Sukhan Devi vs. Land Acquisition Collector, Kol Dam Project, Bilaspur & another*, alongwith connected reference petitions.

2. Undisputedly claimants' land situate in village Kasol, 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 23.11.2000. It is not disputed that Collector Land Acquisition passed two awards. First award No.17 of 2004 passed on 15.08.2004 and the supplementary award being 17-A of 2005 was passed on 31.05.2005. 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 1,04,416/- to ₹4,69,955/- per bigha. Aggrieved thereof, claimants filed land reference petitions 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 23.10.2013, in terms whereof, the market value of the acquired land stands re-determined @ ₹4,69,955/- 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. 792 of 2012, titled as *NTPC Limited, Kol Dam, Barmana vs. Babu*



Ram & another. As such, the present appeals are squarely covered by the said decision, for the issues involved are identical. This fact is not disputed. The claimants are entitled to the compensation in terms of the supplementary award No.17-A of 2005, passed on 31.05.2005. As such, the present appeals stand disposed of, in terms of the said judgment. Directions issued in *Babu Ram* (supra) shall *mutatis mutandis* apply to the instant cases also. Pending application(s), if any, also stand disposed of accordingly.

March 6, 2018
(Purohit)

(Sanjay Karol),
Acting Chief Justice.