

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2091 OF 2014
(SPECIAL LEAVE PETITION(C.)NO.18883 OF 2012)

IMPULSE INDIA P. LTD.

APPELLANT

VERSUS

UNION OF INDIA & ANR.

RESPONDENTS

WITH

CIVIL APPEAL NOS. 2092-94 ARISING OUT OF

S.L.P.(C)NOS.18911-18913/2012,

C.A.NOS. 2095-96 of 2014 @ S.L.P.(C)NOS.19417-19418/2012,

C.A.NO. 2097 of 2014 @ S.L.P.(C)NO.20046/2012,

C.A.NOS.2098-2100 of 2014 @ S.L.P.(C)NOS.24981-24983/2012,

C.A.NO. 2101 of 2014 @ S.L.P.(C)NO. 24985/2012,

C.A.NO. 2102 of 2014 @ S.L.P.(C)NO.24263/2012,

C.A.NOS.2103-2188 of 2014 @ S.L.P.(C)NOS.24530-24615/2012,

C.A.NOS.2189 of 2014 @ S.L.P.(C)NOS.26996/2012,

C.A.NO. 2190 of 2014 @ S.L.P.(C)NO.29211/2012,

C.A.NO. 2191 of 2014 @ S.L.P.(C)NO.29320/2012,

C.A.NO. 2192 of 2014 @ S.L.P.(C)NO.29660/2012,

C.A.NO. 2193 of 2014 @ S.L.P.(C)NO.30048/2012,

C.A.NO. 2194 of 2014 @ S.L.P.(C)NO.31095/2012,

C.A.NO. 2195 of 2014 @ S.L.P.(C)NO.30209/2012,

C.A.NO. 2196 of 2014 @ S.L.P.(C)NO.30223/2012,

C.A.NO. 2197 of 2014 @ S.L.P.(C)NO.30254/2012,

C.A.NO. 2198 of 2014 @ S.L.P.(C)NO.30261/2012,

C.A.NO. 2199 of 2014 @ S.L.P.(C)NO.27022/2012,

C.A.NOS.2200-2212 of 2014 @ S.L.P.(C)NOS.34336-34348/2012,

C.A.NOS.2213-2219 of 2014 @ S.L.P.(C)NOS.35344-35350/2012,

C.A.NO. 2220 of 2014 @ S.L.P.(C)NO.31111/2012,

C.A.NO. 2221 of 2014 @ S.L.P.(C)NO.31046/2012,

C.A.NO. 2222 of 2014 @ S.L.P.(C)NO.31337/2012,

C.A.NO. 2223 of 2014 @ S.L.P.(C)NO.31432/2012,

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C.A.NO. 2226 of 2014 @ S.L.P.(C)NO.33157/2012,

C.A.NO. 2227 of 2014 @ S.L.P.(C)NO.38181/2012,

C.A.NO. 2228 of 2014 @ S.L.P.(C)NO.38195/2012,

Signature Not Verified

Digitally signed by

C.A.NO. 2229 of 2014 @ S.L.P.(C)NO.38196/2012,

Ramana Venkata Ganti

Date: 2015.03.13

10:53:38 IST

C.A.NO. 2230

Reason: of 2014 @ S.L.P.(C)NO.38197/2012,

C.A.NO. 2231 of 2014 @ S.L.P.(C)NO.38198/2012,

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C.A.NO. 2233 of 2014 @ S.L.P.(C)NO.38200/2012,

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C.A.NOS.2274-75 of 2014 @ S.L.P.(C)NOS.12811-12812/2013,
C.A.NO. 2276 of 2014 @ S.L.P.(C)NO.12820/2013,
C.A.NOS.2277-2307 of 2014 @ S.L.P.(C)NOS.12824-12854/2013,
C.A.NO. 2308 of 2014 @ S.L.P.(C)NO.12426/2013,
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C.A.NOS.2352-2355 of 2014 @ S.L.P.(C)NOS.20510-20513/2013,
C.A.NO. 2356 of 2014 @ S.L.P.(C)NO.20518/2013,
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C.A.NO. 2370 of 2014 @ S.L.P.(C)NO.22205/2013,
C.A.NOS.2371-2396 of 2014 @ S.L.P.(C)NOS.11671-11696/2013,
C.A.NO. 2397 of 2014 @ S.L.P.(C)NO.29291/2013,
C.A.NO. 2398 of 2014 @ S.L.P.(C)NO.29565/2013,
C.A.NO. 2399 of 2014 @ S.L.P.(C)NO.29906/2013,
C.A.NO. 2400 of 2014 @ S.L.P.(C)NO.33174/2013,
C.A.NO. 2401 of 2014 @ S.L.P.(C)NO.33175/2013,
C.A.NO. 2402 of 2014 @ S.L.P.(C)NO.33176/2013,
C.A.NO. 2403 of 2014 @ S.L.P.(C)NO.35058/2013,
AND WITH
C.A.NO. 2404 of 2014 @ S.L.P.(C)NO.2354/2014

O R D E R

1. Delay, if any, in filing the application(s) for substitution, is condoned.

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2. Application(s) for substitution, if any, is/are allowed.

3. Delay condoned.

4. Leave granted.

5. These batch of appeals arise out of the impugned judgment(s) and order(s) passed by the High Court of Delhi at New Delhi in L.A.Appeal No.295 of 2009, dated 06.01.2012 and other connected matters.

6. A notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued by the acquiring authority on 13.12.2000 to acquire large extent of lands for the planned development of Dwarka Phase II in revenue villages Bharthal, Bijwasan, Pochanpur and Dhul Saras. Thereafter a declaration under Section 6 of the Act was issued by a notification dated 7.12.2001.

7. The notice was issued for inviting claims from the interested persons under Section 9 and 10 of the Act. After receipt of the claim, the Land Acquisition Collector has passed four separate awards in respect of the villages: Bharthal, Bijwasan, Pochanpur and Dhul Saras villages in Award Nos.26, 28, 30 and 27 of 2002-2003 respectively. By the said awards, the Land Acquisition Officer/Collector had fixed the compensation payable to

the lands so acquired at the rate of Rs.13.82 lacs per acre for Block 'A' lands (level field - with top soil) and Rs.12.32 lacs per acre for Block 'B' lands (without top soil) respectively.

8. Aggrieved by the compensation so awarded, the land losers/agriculturists had sought for a reference under Section 18 of the Act before the Reference Court.

9. After registering the reference and after recording the evidence of the parties, the Reference Court has enhanced the compensation for Block 'A' lands at Rs.15 lacs per acre and for Block 'B' lands at Rs.13.36 lacs per acre. However, the lands situated in Pochanpur village remain excluded from the benefit of enhancement.

10. The agriculturists/land-loosers approached the High Court for enhancement of the compensation so awarded by the Reference Court. The Acquiring Authority also had filed their cross-objections.

11. The High Court, by its detailed judgment(s) and order(s), has thought it fit to enhance the compensation awarded by the Reference Court by granting an increase of 10% over and above the value determined by the Reference Court from Rs.15/- lacs per acre of Block 'A' lands to Rs.16.50/- lacs per acre and from Rs.13.36/- lacs per acre to Rs.14,69,600/- for Block 'B' lands per acre.

Aggrieved by the compensation so quantified by the High Court, the land-loosers/agriculturists are before us in these batch of appeals.

12. We have heard Shri Mukul Rohtagi, Shri Guru Krishna Kumar, learned senior counsel and other learned counsel appearing for the respective appellant(s)-claimant(s) and Ms.Rachna Srivastava, learned counsel appearing for t he

respondent(s)/acquiring authority.

13. We have carefully perused the award(s) passed by the Land Acquisition Officer/Collector, the Reference Court as well as the High Court. In our view, the compensation so awarded by the authorities as well as the High Court is on a lesser side.

Therefore, keeping in view the peculiar facts and circumstances of the case, and also other factors, we intend to increase the compensation so awarded by the High Court for Block 'A' lands from Rs.16.50/- lacs to Rs.21/- lacs per acre and from Rs.14.60/- lacs to Rs.19/- lacs per acre for Block 'B' lands.

14. In the result, we allow the appeals filed by the claimants. We enhance the compensation awarded by the High Court for Block 'A' lands from Rs.16.50/- lacs to Rs.21/- lacs per acre and from Rs.14.60/- lacs to Rs.19/- lacs per acre for Block 'B' lands respectively. This compensation so awarded by us is common to

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all the lands in Bharthal, Bijwasan, Pochanpur and Dhul Saras villages. Needless to say that the appellants are entitled for all the statutory benefits provided under the provisions of the Land Acquisition Act, 1894.

15. Shri Anand Yadav, learned counsel appearing for the claimant has brought to our notice certain remarks made in paragraph 18 of the impugned judgment and order in L.A.No.576 of 2008, dated 31st October, 2012. In our opinion, the said paragraph is wholly unnecessary. Therefore, we expunge paragraph 18 from the said impugned judgment and order.

16. The respondents-authorities shall quantify the amounts payable to the appellants and deposit the same before the Reference Court/Executing Court as early as possible, at any rate, within four months' from the date of receipt of a copy of this Court's order.

WITH SLP(C) NO.18911-18913/2012,19417-19418/2012,
 20046/2012,24981-24983/2012, 24985/2012,24263/2012,
 24530-24615/2012,26996/2012,29211/2012,
 29320/2012,29660/2012,30048/2012,31095/2012,
 30209/2012, 30223/2012,30254/2012,30261/2012,
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 22205/2013, 11671-11696/2013,29291/2013, 29565/2013,
 29906/2013,33174/2013,33175/2013,33176/2013,
 35058/2013, 2354/2014

(With appln(s) for c/delay in filing SLP and office report)
 (With appln. for c/delay in filing/refiling of SLPs in
 respective matters) And (With applns. for substitution to
 bring on record Lrs. of deceased petr. No. 2 in SLP(C)
 25096/2013, for substitution to bring on record Lrs. of
 deceased sole petr. and c/delay in filing substitution
 appln. in SLP(C) 15484/2013 and for deletion of names of
 respondent Nos. 3 & 4 in SLP(C) 15501/2013 and deletion
 of names of respondent Nos. 4 & 9 in SLP(C) No.
 15480/2013)

Date: 13/02/2014 These Petitions were called on for hearing
 today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE S.A. BOBDE

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For Petitioner(s) Mr.Mukul Rohtagi, Sr.Adv.
 (of individuals) Mr.Nar Hari, Adv.
 Mr.Vikas Mehta, Adv.

Mr.B.D.Sharma, Adv.

Mr.Naresh Kumar, Adv.

Mr.Bankey Bihari, Adv.

Mr.B.S.Mann, Adv.

Mr.Aditya Singh, Adv.

Mr.S.K.Rout, Adv.

Dr.Abhishek Atrey, Adv.

Mr.Pramod Kumar, Adv.

Mr.Anand Yadav, Adv.
Mr.C.S.Ashri, Adv.

Mr.Jasbir Singh Malik, Adv.
Mr.Raghuvinder Godara, Adv.
For Mr.S.K.Sabharwal, Adv.

Mr.Guru Krishna Kumar, Sr.Adv.
Mr.Devadatt Kamat, Adv.
Mr.Rajesh Inamdar, Adv.
Ms.Mrinalini Sengupta, Adv.
Ms.Sania Husaini, Adv.
Ms.Madhurima Ghosh, Adv.

Dr.V.P.Appan, Adv.
Shefali Sethi, Adv.
Mr.S.B.Kumar, Adv.

Mr.Arvind Kumar Sharma, Adv.
Mr.Saurabh Mishra, Adv.
Mr.S.K.Rout, Adv.
Mr.Sukhda Dhamija, Adv.
Ms.Dimpe Dhamija, Adv.
Mr.pramod Kumar, Adv.

Mr.Krishan Kumar, Adv.

Mr.Om Prakash Mishra, Adv.
Mr.R.Godara, Adv.
Mr.Ghanshyam Vasisht, Adv.

Ms.Shobha,Adv.
Ms.Jyoti Rana, Adv.

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Mr.Ashwani Bhardwaj, Adv.

Mr.J.M.Khanna, Adv.

Mr.Akhil Anand, Adv.

Mr.Sudarshan Singh Rawat, Adv.

Mr.Rakesh Kumar, Adv.

Mr.Devvrat, Adv.

Mr.K.S.Rana, Adv.

Mr.Satyendra Kumar, Adv

For Respondent(s)
(Govt./Authority)

Ms. Rachana Srivastava,Adv.
Ms.Pratiksha Chaturvedi, Adv.
Mr.Utkarsh Sharma, Adv.

Mr.Vishnu B.Saharya, Adv.
Mr.Viresh B.Saharya, Adv.
For M/S Saharya & Co.,Advs.

Mr. Rajeev Sharma ,Adv

Mr.Ajay Vohra, Adv.
Ms.Kavita Jha, Adv.

Mrs.Rekha Pandey, Adv.
Mr.Rohitash S.Nagar, Adv.
For Ms.Sushma Suri, Adv.

For Mr.D.S.Mahra, Adv.

Mr.Parijat Sinha, Adv.
Mr.S.C.Ghosh, Adv.

Ms.Binu Tamta, Adv.

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

Deletion of respondent(s), if any, are allowed, at
the risk of the petitioner(s).

Delay, if any, in filing the application(s) for
substitution, is condoned.

Application(s) for substitution, if any, is/are
allowed.

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MATTERS FILED BY GOVERNMENT/AUTHORITY:

Dismissed.

MATTERS FILED BY INDIVIDUALS:

Delay condoned.

Leave granted.

Appeals are allowed and disposed of, in terms of
the signed order.

(G.V.Ramana)	(Charanjeet Kaur)	(Vinod Kulvi)
Court Master	Court Master	Asstt.Registrar
(Signed order is placed on the file)		