

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.2250-2251 OF 2023
(Arising out of SLP(C)Nos.5622-5623 of 2020)

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY (NOIDA)

... APPELLANT

Versus

HARCHAND (SINCE DECEASED) THROUGH HIS LEGAL
HEIRS & ORS.

... RESPONDENTS

WITH

CIVIL APPEAL Nos.2280-2281 OF 2023
(Arising out of SLP(C)Nos.6488-6489/2023 @ Diary No.10603/2020)

CIVIL APPEAL Nos.2307-2308 OF 2023
(Arising out of SLP(C) Nos.4454-4455/2021)

CIVIL APPEAL Nos.2309-2310 OF 2023
(Arising out of SLP(C) Nos.4456-4457/2021)

CIVIL APPEAL Nos.2311-2312 OF 2023
(Arising out of SLP(C) Nos.4452-4453/2021)

CIVIL APPEAL No.2313 OF 2023
(Arising out of SLP(C) No.8732/2021)

CIVIL APPEAL No.2315 OF 2023
(Arising out of SLP(C) No.8733/2021)

CIVIL APPEAL Nos.2252-2273 OF 2023
(Arising out of SLP(C)Nos.6460-6481/2023 @ Diary No.37117/2019)

CIVIL APPEAL Nos.2274-2275 OF 2023
(Arising out of SLP(C) Nos.6482-6483/2023 @ Diary No(s).8950/2020)

CIVIL APPEAL Nos.2278-2279 OF 2023
(Arising out of SLP(C) Nos.6486-6487/2023 @ Diary No(s).10602/2020)

CIVIL APPEAL Nos.2282-2283 OF 2023
(Arising out of SLP(C) Nos.6490-6491/2023 @ Diary No(s).10604/2020)

CIVIL APPEAL Nos.2284-2285 OF 2023

(Arising out of SLP(C) Nos.6492-6493/2023 @ Diary No(s).10607/2020)

CIVIL APPEAL Nos.2286-2287 OF 2023

(Arising out of SLP(C) Nos.6494-6495/2023 @ Diary No(s).10608/2020)

CIVIL APPEAL Nos.2288-2289 OF 2023

(Arising out of SLP(C) Nos.6496-6497/2023 @ Diary No(s).10609/2020)

CIVIL APPEAL Nos.2290 OF 2023

(Arising out of SLP(C) No.6498/2023 @ Diary No(s).10610/2020)

CIVIL APPEAL Nos.2291-2292 OF 2023

(Arising out of SLP(C) Nos.6499-6500/2023 @ Diary No(s).17089/2020)

CIVIL APPEAL Nos.2299-2300 OF 2023

(Arising out of SLP(C) Nos.12365-12366/2021)

CIVIL APPEAL Nos.2301-2302 OF 2023

(Arising out of SLP(C) Nos.6507-6508/2023 @ Diary No(s).25618/2020)

CIVIL APPEAL Nos.2303-2304 OF 2023

(Arising out of SLP(C) Nos.6509-6510/2023 @ Diary No(s).25619/2020)

CIVIL APPEAL Nos.2305-2306 OF 2023

(Arising out of SLP(C) Nos.6511-6512/2023 @ Diary No(s).25620/2020)

CIVIL APPEAL No.2314 OF 2023

(Arising out of SLP(C) No.8731/2021)

CIVIL APPEAL Nos.2316-2317 OF 2023

(Arising out of SLP(C)Nos.6513-6514/2023 @ Diary No(s).8474/2021)

CIVIL APPEAL Nos.2318-2329 OF 2023

(Arising out of SLP(C) Nos.6515-6526/2023 @ Diary No(s).8855/2021)

CIVIL APPEAL Nos.2330-2331 OF 2023

(Arising out of SLP(C) Nos.14144-14145/2021)

CIVIL APPEAL Nos.2332-2333 OF 2023

(Arising out of SLP(C) Nos.17928-17929/2021)

CIVIL APPEAL Nos.2276-2277 OF 2023

(Arising out of SLP(C) Nos.6484-6485/2023 @ Diary No(s).10601/2020)

CIVIL APPEAL Nos.2293-2294 OF 2023

(Arising out of SLP(C) Nos.6501-6502/2023 @ Diary No(s).21174/2020)

CIVIL APPEAL Nos.2295-2296 OF 2023

(Arising out of SLP(C) Nos.6503-6504/2023 @ Diary No(s).21178/2020)

CIVIL APPEAL Nos.2297-2298 OF 2023

(Arising out of SLP(C) Nos.6505-6506/2023 @ Diary No(s).21180/2020)

CIVIL APPEAL Nos.2334-2335 OF 2023
(Arising out of SLP(C) Nos.6527-6528/2023 @ Diary No(s).843/2022)

O R D E R

1. Delay condoned.
2. The applications for permission to file the Special Leave Petitions as well as the applications for substitution are allowed.
3. Leave granted.
4. The question that falls for consideration is whether the High Court of Judicature at Allahabad has correctly assessed the market value of the land of village Gijhore (NOIDA) at the rate of Rs.297/- per sq.yd. and of village Hoshiyarpur (NOIDA) at the rate of Rs.216/- per square yard. If not, whether the market value of the acquired land of the two villages deserves to be enhanced or reduced?
5. The ancillary question that too needs to be determined is whether the High Court ought to have made any deduction towards development charges.

FACTS OF VILLAGE GIJHORE

6. The State of Uttar Pradesh issued a Notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') on 28.02.1990, followed by a Corrigendum published on 26.07.1990. The land, measuring 177.64 acres, was proposed to be acquired. The acquisition was for the New Okhla Industrial Development Authority (NOIDA) for planned industrial development. The declaration under Section 6 of the Act was issued on 12.06.1990, with a corrigendum on 14.09.1990. Eventually, possession of land measuring 164.6

acres was taken over on 21.02.1991. The Land Acquisition Officer awarded compensation @ Rs.50/- per sq.yd. vide Award dated 30.07.1992.

7. The land owners sought reference under Section 18 of the Act, and the Reference Court, vide an Award dated 16.08.2000, assessed the market value of the acquired land at the rate of Rs.252/- per sq.yd. But after applying a deduction of 50% towards development charges, an actual compensation of Rs.126/- per sq.yd. was awarded.

8. The land owners then appealed before the High Court, and through a judgment dated 05.11.2014, the High Court maintained the market value as assessed by the Reference Court, but after reducing deduction charges, the land owners were held entitled to compensation at the rate of Rs.176/- per sq.yd. It appears that some applications seeking clarifications and to grant compensation at the rate of Rs.297/- per sq.yd. were filed, and finally, the High Court vide the impugned judgment dated 11.01.2019, has granted compensation at the rate of Rs.297/- per sq.yd.

9. NOIDA as well as the land owners being dissatisfied with the compensation amount assessed by the High Court, are in cross appeals before us.

10. Learned Senior Counsel for the appellant - NOIDA submits that the High Court has erroneously granted compensation at a higher rate by overlooking the judicial precedents pertaining to the acquisition of land in and around village Gijhore, where compensation at a lesser rate was awarded. He also relies upon an order dated May 05, 2017, passed by a coordinate Bench of this

Court in C.A. No.6438 of 2017 [Mst. Ramti (Deceased) through Lrs. vs. State of U.P. and Another], pertaining to the same acquisition of village Gijhore, where this Court imposed 15% development charges. Seeking uniformity in the rate of compensation, it is urged that at least 15% cut towards development charges be levied on the rate assessed by the High Court.

11. Learned counsel for the land owners, on the other hand, cites various decisions of the High Court as well as this Court in respect of the acquisitions that took place prior in time where the compensation @ more than Rs.297/- per sq.yd. was granted. In this regard, reliance is placed on a decision rendered by this Court in (a) U.P. Awas Evam Vikash Parishad vs. Asha Ram (D) Thr. Lrs. and Others, 2021 SCC Online SC 250, wherein instances of villages around Gijhore pertaining to land acquisition which took place in the years 1986 to 1992 and awarding compensation at the rate of Rs.297 per sq.yd., have been cited; (b) The decisions of this Court in Impulse India Pvt. Ltd. vs. Union of India, (2017) 13 SCC 557; Madhusudan Kabra and ors vs. State of Maharashtra and ors, (2018) 1 SCC 140; and Arun Kumar vs. Union of India, (2018) 13 SCC 222 have been relied upon to urge that the annual escalation at the rate of 15% or so is a well acknowledged factor, and applying such principle to the case in hand, the land owners are entitled to a compensation much higher than Rs.297/- per sq.yd. (c) The High Court, in the case of Ram Phal and ors vs. State of U.P.and ors. (appended as R-I/8 with the counter affidavit) has granted compensation at the rate of Rs.355/- per sq.yd. in respect of village Morna where the Notification under Section 4 was issued on

02.02.1991. Village Morna is in close proximity to village Gijhore.

(d) NOIDA itself has, even before the subject acquisition, sold/leased out plots of land in village Chhalera Bangar at the rate of Rs.11,576/- and Rs.21,125/- per sq.meter, which comes to more than Rs.5,000/- per sq.yd.

12. We may, at the outset, point out that the lands of several villages in District Gautam Budh Nagar have been acquired for residential/industrial/commercial, and other public purposes through multiple acquisition processes. These acquisitions commenced way back in the early 80s and have been intermittently carried out for decades, including the subject acquisition, which took place in the year 1990. A sketch map of the NOIDA-Notified Area suggests that the acquisition encompasses the revenue estates of several villages abutting the Delhi border and has gradually expanded towards the eastern side. The land holdings of hundreds of villages have been acquired through one or another acquisition process.

13. As a result, the High Court and this Court have granted different rates of compensation, broadly keeping in view the year of acquisition and the best exemplars available at the relevant time in respect of the same village and/or adjoining areas having the same potentiality. This has led to what is perceived as a judicial inconsistency in fixing the market value of the acquired land. This is so evident from the fact that even in respect of the land of village Gijhore, the High Court, in one case granted Rs.252/- per sq.yd., but in most of the cases, the rate of Rs.297/- per sq.yd. has been awarded, and, as noticed earlier, in some

cases, this Court has imposed a 15% cut towards development charges on the rate of Rs.297/- per sq.yd. It is in this backdrop that we now advert to the reasons assigned by the High Court for awarding compensation at the rate of Rs.297/- per sq.yd. The High Court has relied upon a Division Bench judgment of the said Court in Khazan Singh and others vs. State of U.P. and others, where land of villages Bhangel Begumpur, Nagla Charan Das, Geha Tilapatabagh, and Chhalera Banger was awarded compensation at the rate of Rs.297/- per sq.yd., vide judgment dated 11.10.2012. The Notifications under Section 4 in respect of the above-mentioned villages were issued in 1983, 1986 and 1988. The High Court has taken note of the following instances as well:

“Learned counsel for the appellants has also drawn our attention to the similar orders passed by this Court in First Appeal No. 738 of 2013, Mansha Ram v. The Chairman, Industrial Development Authority, decided on 17th December, 2013, in respect of Village Bhangel Begumpur; First Appeal No. 564 of 1997, Khazan and others v. State of U.P., decided on 11th October, 2012 in respect of Village Bhangel Begumpur; First Appeal No. 202 of 2009, Govind v. State of U.P. and others, & other connected appeals decided on 25th February, 2014 in respect of Village. Geha Tilapatabagh; First Appeal No. 910 of 2000, Ghaziabad Development Authority v. Kashi Ram and others, decided on 13th November, 2014 in respect of Village Makanpur; and First Appeal No. 196 of 2011, Kundan Singh and others v. State of U.P. and others, and other connected appeals, decided on 19th September, 2014 in respect of Village Mamora.

In all the aforesaid appeals the compensation has been uniformly awarded at the rate of Rs.297/- per square yard in respect of the adjoining villages where the notifications were published between 1983 to 2010.”

14. With respect to the judicial precedents relied upon by the High Court pertaining to adjoining villages, there is no formidable

challenge on behalf of the appellant - NOIDA that the acquired land of village Gijhore and the exemplars relied upon by the High Court, have any distinguishable features in terms of potentiality, utility and location. It goes without saying that the public purpose of acquisition in all these cases is broadly the same, namely, regulated development of the area for residential/industrial/commercial, and other public purposes.

15. We have taken a look at the site plan notified by NOIDA depicting the revenue estate of different villages, and we find that the villages like Chhalera Banger are adjacent to village Gijhore, and in the absence of any evidence to draw distinction between the potentiality and utility of land in the two villages, we see no reason to grant a different rate of compensation for the land of village Gijhore. At the cost of repetition, we point out that the decisions relied upon by the High Court pertain to the acquisitions that took place in the years 1983-1988 whereas the acquisition in the instant cases commenced on 27.02.1990. In this view of the matter, we do not find any merit in the appeals preferred by NOIDA seeking reduction in compensation as determined by the High Court.

16. So far as the claim of the land owners for further enhancement based on annual escalation is concerned, it is true that the lands of villages Bhangel Begumpur, Nagla Charan Das, Geha Tilapatabagh, and Chhalera Banger were notified under Section 4 of the Act in the years 1983-1988, and eventually, the compensation at the rate of Rs.297/-, awarded by the High Court, was upheld by this Court while dismissing the batch of SLPs led by SLP(C)No.18331 of

2008 on 05.02.2014. It is a settled legal proposition that the Court can take judicial notice of annual escalation in prices ranging from 10% to 15%. Equally important is that when there are one after the other repeated acquisitions in exercise of the power of eminent domain, the prices of land left out, in or around the acquired land get frozen. The fear of acquisition of a property, at times, has its adverse impact on the bargain between a willing seller and a willing buyer. The buyer will be extremely reluctant to invest in a property that he apprehends can be acquired at any time. Such a factor becomes quite relevant in an acquisition like in District Gautam Budh Nagar, where, as noticed earlier, there have been continuous mass acquisitions leaving hardly any village untouched. It thus appears to us that the natural escalation, as judicially acknowledged, at the rate of 15% or more, may not be a reality at the spot. Nevertheless, it will be difficult to presume that the prices will freeze completely or that the fear of acquisition will lead to any fall in the prevalent market value.

17. In such like situation, it becomes extremely difficult for a Court to estimate the actual market value of the land. Only a guess work approach, based upon all the attending circumstances, will have to be resorted to determine the probable market value. We, thus, feel that the acquired land in the case in hand, keeping in view its location in NCR, potentiality, utility, further prospects and it being already surrounded by multiple acquisitions, must be capable of fetching an escalated price of at least 10% per annum. The last acquisition in respect of the instances relied upon by the High Court of the adjoining village was of 1988. In

the present case, the acquisition commenced in the year 1990. The land owners, in our considered view, are entitled to an escalation of 10% per annum on the market price as finally determined by this Court.

18. At this stage, we may revert back to the contention raised on behalf of NOIDA that this Court, in the case of village Gijhore itself in Mst. Ramti's case, has levied a deduction of 15% towards development charges and that such a deduction ought to have been applied by the High Court as well. We find some merit in the contention. The deduction towards development charges will have to be applied uniformly on the entire chunk of land in village Gijhore acquired under the same acquisition process. The 15% deduction shall, however, be applicable only in the cases pending before this Court, and wherever the land owners have not sought further enhancement and they have been paid at the rate of Rs.297/- per sq.yd, no recovery towards development charges shall be effected from them.

FINAL ANALYSIS

19. In the light of the above discussion, we hold as follows:

(i) The High Court ought to have applied deduction at the rate of 15% towards development charges, and in this manner, the land owners could be awarded compensation at the rate of Rs.297/- minus 15% (development charges) = Rs.252.45 per sq.yd.

(ii) The land owners are entitled to 10% annual escalation for a period of two years, and with addition thereof on the market price of Rs.252.45 per sq.yd., they

are held entitled to compensation at the rate of Rs.305.46 (rounded as Rs.306/- per sq.yd.) along with all other statutory benefits under the Act. Ordered accordingly.

VILLAGE HOSHIYARPUR

1. As regard to the appeals arising out of the acquisition of land of village Hoshiyarpur, it may be mentioned that Notification under Section 4 of the Act was issued on 29.06.1991, followed by a Corrigendum issued on 18.07.1991, and then a corrected Notification published on 24.08.1991. The Notification under Section 6 of the Act was issued on 18.04.1992. The possession of the land was taken on 24.03.1993. The Special Land Acquisition Officer passed an Award on 15.04.1996 granting compensation at the rate of Rs.60/- per sq.yd.

2. The land owners in their reference under Section 18 of the Act, claimed compensation at the rate of Rs.400/- per sq.yd. but the Reference Court vide Award dated 28.07.2003 awarded compensation at the rate of Rs.110/- per sq.yd.

3. The High Court, vide impugned judgment dated 21.05.2019, has granted compensation at the rate of Rs.216/- per sq.yd.

4. The High Court in the impugned judgment took notice of the undisputed facts that development works had taken place in the nearby villages and that the land of village Hoshiyarpur had also been acquired as an extension of regulated land development. It was further noticed by the High Court that there were some buildings and running schools etc., on a part of the acquired land. Additionally, there were several roads existing in village

Hoshiyarpur and considering the overall location of the land, the High Court found that "the acquired land at the time of acquisition had potential values". The High Court, thereafter, discussed the principles for determination of market value and gave a detailed reference to previous Awards/judgments. The High Court then relied upon a stray Sale Deed dated 23.04.1990, whereby the land was sold at the rate of Rs.251/- per sq.yd., and after applying 30% deduction towards development charges, the High Court has granted compensation at the rate of Rs.216/- per sq.yd.

5. Learned counsels for the land owners - appellants vehemently contend that once the High Court has found, as a matter of fact, that the adjoining land as well as the land of village Hoshiyarpur was almost developed and had high potential value, the judicial precedents/awards granting compensation at the rate of Rs.297/- per sq.yd. for the adjoining land ought to have been followed. They urge that a single isolated sale instance for a small piece of land could hardly be determinative for the purpose of assessing the market value of the acquired land. They have placed reliance on the compensation awarded in respect of village Morna, which was acquired vide Notification dated 04.01.1992.

6. On the other hand, learned counsel for NOIDA strenuously urges that the High Court's judgment warrants no interference as the Awards/judicial precedents of the acquisition of land in adjoining villages become irrelevant when a sale instance of land in village Hoshiyarpur itself has been brought on record, depicting the market value at the rate of Rs.251/- per sq.yd. He refers to the case law, cited in *extenso* by the High Court, that the best

exemplars can be the sale instances in respect of the same revenue estate and that the potentiality of land can vary even with a distance of 2-3 kms.

7. We have given our thoughtful consideration to the rival submissions. While it may be true that when relevant sale instances for the same village are available, the exemplars of adjoining areas need not be banked upon to assess the fair market value. These principles, however, have to be applied on a case-to-case basis. It cannot be overlooked that the acquisition of land in village Hoshiyarpur is part and parcel of the wide expansion of regulated and planned development of the entire area. The acquisition has been made across the revenue limits of several villages. There is no evidence to suggest that the potentiality of the acquired land of village Hoshiyarpur was, in any manner, inferior than that of the adjoining villages. It is also undeniable that the villages of Gijhore and Hoshiyarpur are adjacent to each other. In respect of the land of village Gijhore, we have already held that the land owners are entitled to compensation at the rate of Rs.306/- per sq.yd. after a 15% deduction towards development charges. There is no categorical finding by the High Court that the land of village Gijhore was already fully developed. On the other hand, the High Court has, in the instant case, unequivocally held that the land of village Hoshiyarpur is surrounded by developed areas and the acquired land is also partially developed and has high potential value. It appears to us that a stray sale instance of a small area, even if for the same village, does not necessarily reflect the price that a willing buyer will offer for

the acquired land. Since the lands of different villages which are contiguous have been acquired for the same public purpose and no disadvantage of any nature has been pleaded or proved in respect of the land of village Hoshiyarpur, coupled with the fact that even as per the site plan, the land of village Hoshiyarpur is similar to that of adjoining villages like Gijhore, we see no reason to introduce an artificial differentiation and award a lesser compensation to the land owners of village Hoshiyarpur, as has been done by the High Court. It is also relevant to mention that the land of village Hoshiyarpur was acquired one year after that of village Gijhore. Thus, even in the absence of an annual escalation of 10% to 15%, the land owners of village Hoshiyarpur are at least entitled to the same compensation as has been awarded to the land owners of adjoining villages. In view of this, we hold that the land owners of village Hoshiyarpur are also entitled to compensation at the rate of Rs.306/- per sq.yd., after a deduction of 15% towards development charges.

8. It goes without saying that the land owners - appellants of village Hoshiyarpur will also be entitled to other statutory benefits under the Act.

9. For the reasons afore-stated, the appeals preferred by the land owners of villages Gijhore and Hoshiyarpur are allowed in part, and they are held entitled to compensation at the rate of Rs.306/- per sq.yd. along with all other statutory benefits. As a necessary corollary, the appeals preferred by NOIDA are dismissed.

10. NOIDA is directed to deposit the enhanced amount of compensation with the Reference Court within a period of eight

weeks. The same shall, thereafter, be disbursed to the land owners - appellants without any delay.

11. As a sequel thereto, pending interlocutory applications also stand disposed of.

.....J.
(SURYA KANT)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
MARCH 28, 2023.

ITEM NO.2

COURT NO.9

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).5622-5623/2020

(Arising out of impugned final judgment and order dated 11-01-2019 in CMMa No.418246/2014 in FA No.1161 of 2004 and the judgment and order dated 15-11-2019 in RA No.5/2019 passed by the High Court of Judicature at Allahabad)

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY (NOIDA) Petitioner(s)

VERSUS

HARCHAND (SINCE DECEASED) THROUGH HIS LEGAL HEIRS & ORS.
Respondent(s)

IA No.50635/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No.30738/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

WITH

Diary No(s). 10603/2020 (XI)

(IA No.62762/2020-CONDONATION OF DELAY IN FILING and IA No.62763/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.62764/2020-EXEMPTION FROM FILING O.T.)

IA No. 62762/2020 - CONDONATION OF DELAY IN FILING

IA No. 62763/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 62764/2020 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 4454-4455/2021 (XI)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 26952/2021

IA No. 26952/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 4456-4457/2021 (XI)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 23260/2021

IA No. 23260/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 4452-4453/2021 (XI)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 21745/2021

IA No. 21745/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 8732/2021 (XI)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 48409/2021

IA No. 48409/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 8733/2021 (XI)

(IA

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 47082/2021

FOR EXEMPTION FROM FILING O.T. ON IA 47084/2021

IA No. 47084/2021 - EXEMPTION FROM FILING O.T.

IA No. 47082/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 37117/2019 (XI)

IA No. 52835/2021 - CONDONATION OF DELAY IN FILING

IA No. 52836/2021 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS

IA No. 52837/2021 - EXEMPTION FROM FILING O.T.)

Diary No(s). 8950/2020 (XI)

(FOR ADMISSION and I.R. and IA No.72341/2020-CONDONATION OF DELAY IN FILING and IA No.72343/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 72341/2020 - CONDONATION OF DELAY IN FILING

IA No. 72343/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 10602/2020 (XI)

(IA

FOR CONDONATION OF DELAY IN FILING ON IA 71059/2020

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 71060/2020

FOR EXEMPTION FROM FILING O.T. ON IA 71061/2020

IA No. 71059/2020 - CONDONATION OF DELAY IN FILING

IA No. 71060/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 71061/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 10604/2020 (XI)

(IA No.66755/2020-CONDONATION OF DELAY IN FILING and IA No.66756/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66757/2020-EXEMPTION FROM FILING O.T.

IA No. 66755/2020 - CONDONATION OF DELAY IN FILING

IA No. 66756/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 66757/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 10607/2020 (XI)

(FOR ADMISSION and I.R. and IA No.66911/2020-CONDONATION OF DELAY IN FILING and IA No.66918/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66915/2020-APPLICATION FOR SUBSTITUTION and IA No.66919/2020-EXEMPTION FROM FILING O.T. and IA

No.66914/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.66916/2020-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.

and IA No.66922/2020-CLARIFICATION/DIRECTION

IA No. 66922/2020 - CLARIFICATION/DIRECTION

IA No. 66911/2020 - CONDONATION OF DELAY IN FILING

IA No. 66918/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 66919/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 10608/2020 (XI)

(IA No.64497/2020-CONDONATION OF DELAY IN FILING and IA No.64501/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.64498/2020-APPLICATION FOR SUBSTITUTION and IA

No.64503/2020-EXEMPTION FROM FILING O.T. and IA No.64512/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.64499/2020-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.

IA No. 64497/2020 - CONDONATION OF DELAY IN FILING

IA No. 64501/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 64503/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 10609/2020 (XI)

(IA

FOR CONDONATION OF DELAY IN FILING ON IA 66892/2020

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 66899/2020

FOR EXEMPTION FROM FILING O.T. ON IA 66900/2020

IA No. 66892/2020 - CONDONATION OF DELAY IN FILING

IA No. 66899/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 66900/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 10610/2020 (XI)

(IA No.66087/2020-CONDONATION OF DELAY IN FILING and IA No.66089/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66090/2020-EXEMPTION FROM FILING O.T. and IA No.66091/2020-APPROPRIATE ORDERS/DIRECTIONS and IA No.66088/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 66091/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 66087/2020 - CONDONATION OF DELAY IN FILING

IA No. 66089/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 66090/2020 - EXEMPTION FROM FILING O.T.

IA No. 66088/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 17089/2020 (XI)

(IA No.79880/2020-CONDONATION OF DELAY IN FILING and IA No.79879/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 79880/2020 - CONDONATION OF DELAY IN FILING IA No. 79879/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 12365-12366/2021 (XI)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 6047/2021

IA No. 6047/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 25618/2020 (XI)

(FOR ADMISSION and I.R. and IA No.133474/2020-CONDONATION OF DELAY IN FILING and IA No.133475/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 133474/2020 - CONDONATION OF DELAY IN FILING

IA No. 133475/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 25619/2020 (XI)

(FOR ADMISSION and I.R. and IA No.5586/2021-CONDONATION OF DELAY IN FILING and IA No.5585/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 5586/2021 - CONDONATION OF DELAY IN FILING

IA No. 5585/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s).25620/2020 (XI)

(FOR ADMISSION and I.R. and IA No.10890/2021-CONDONATION OF DELAY IN FILING and IA No.10891/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.10892/2021-APPLICATION FOR SUBSTITUTION and IA No.10894/2021-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.

IA No. 10892/2021 - APPLICATION FOR SUBSTITUTION

IA No. 10890/2021 - CONDONATION OF DELAY IN FILING

IA No. 10894/2021 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.

IA No. 10891/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 8731/2021 (XI)

(IA

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 48844/2021

FOR EXEMPTION FROM FILING O.T. ON IA 48845/2021

IA No. 48845/2021 - EXEMPTION FROM FILING O.T.

IA No. 48844/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 8474/2021 (XI)

(IA

FOR CONDONATION OF DELAY IN FILING ON IA 50160/2021

FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 50166/2021

IA No. 50160/2021 - CONDONATION OF DELAY IN FILING

IA No. 50166/2021 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No(s). 8855/2021 (XI)

(IA

FOR CONDONATION OF DELAY IN FILING ON IA 147705/2021

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 147710/2021

FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA 162240/2021

FOR APPLICATION FOR SUBSTITUTION ON IA 159551/2022

IA No. 159551/2022 - APPLICATION FOR SUBSTITUTION

IA No. 147705/2021 - CONDONATION OF DELAY IN FILING

IA No. 162240/2021 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.

IA No. 147710/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 14144-14145/2021 (XI)

IA No. 89648/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 17928-17929/2021 (XI)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 125501/2021

IA No. 125501/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s).10601/2020 (XI)

(FOR CONDONATION OF DELAY IN FILING ON IA 63166/2020

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA

63167/2020

FOR EXEMPTION FROM FILING O.T. ON IA 63169/2020

IA No. 63166/2020 - CONDONATION OF DELAY IN FILING

IA No. 63167/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 63169/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 21174/2020 (XI)

(FOR ADMISSION and I.R. and IA No.123075/2020-CONDONATION OF DELAY IN FILING and IA No.123078/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 123075/2020 - CONDONATION OF DELAY IN FILING

IA No. 123078/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 21178/2020 (XI)

(FOR ADMISSION and I.R. and IA No.132039/2020-CONDONATION OF DELAY IN FILING and IA No.132038/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 132039/2020 - CONDONATION OF DELAY IN FILING

IA No. 132038/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 21180/2020 (XI)

(FOR ADMISSION and I.R. and IA No.105981/2020-CONDONATION OF DELAY IN FILING and IA No.105985/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 105981/2020 - CONDONATION OF DELAY IN FILING

IA No. 105985/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 843/2022 (XI)

(IA

FOR CONDONATION OF DELAY IN FILING ON IA 14884/2022

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 14885/2022

FOR EXEMPTION FROM FILING O.T. ON IA 14886/2022

IA No. 14884/2022 - CONDONATION OF DELAY IN FILING

IA No. 14885/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 14886/2022 - EXEMPTION FROM FILING O.T.)

Date : 28-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.K. MAHESHWARI

**For Petitioner(s) Mr. Yatindra Singh, Sr. Adv.
Mr. Ajit Singh Pundir, AOR
Mr. D V Singh, Adv.
Mr. Arijeet Singh, Adv.
Mr. Shanti Swaroop Singh, Adv.**

**Mr. Yatinder Singh, Sr. Adv.
Mr. D V Singh, Adv.
Mr. Ajay Kumar Singh, AOR**

Mr. Divesh Kumar, Adv.
 Mr. Anubhav Bhandari, Adv.
 Mr. Parshuram, Adv.
 Mr. Shanti Swaroop Singh, Adv.

For NOIDA

Ms. Manvi Dikshit Sharma, Adv.
 Ms. Taruna Ardhendumauli Prasad, AOR

Mr. Dr. Rajeev Sharma, AOR
 Mr. Prashant Sharma, Adv.
 Ms. Diksha Sharma, Adv.
 Mr. Raghuvir Sharma, Adv.
 Mr. Vipin Kumar Sharma, Adv.
 Mr. Dharmendra Sharma, Adv.
 Ms. Devjani Deka Bharali, Adv.

For Respondent(s)

Mr. Ravindra Kumar, Sr. Adv.
 Mr. Binay Kumar Das, AOR
 Ms. Priyanka Das, Adv.
 Ms. Neha Das, Adv.

Mr. Yatinder Singh, Sr. Adv.
 Mr. Durg V Singh, Adv.
 Mr. Ajay Kumar Singh, AOR
 Mr. Divesh Kumar, Adv.
 Mr. Anubhav Bhandari, Adv.
 Mr. Vishal Singh, Adv.
 Mr. Parshuram, Adv.
 Mr. Shanti Swarup Singh, Adv.

Mr. Dr. Rajeev Sharma, AOR
 Mr. Prashant Sharma, Adv.
 Ms. Diksha Sharma, Adv.
 Mr. Raghuvir Sharma, Adv.
 Mr. Vipin Kumar Sharma, Adv.
 Mr. Dharmendra Sharma, Adv.
 Ms. Devjani Deka Bharali, Adv.

Mr. Tanmaya Agarwal, AOR
 Mr. Wrick Chatterjee, Adv.
 Mr. Abhinav S. Agarwal, Adv.
 Mrs. Aditi Agarwal, Adv.

Mr. Vinay Chadda, AOR
 Mr. Jagdish Kumar Chawla, Adv.
 Mrs. Shisba Chawla, Adv.

Mr. Sourav Roy, AOR
 Mr. Prabudh Singh, Adv.
 Mr. Kaushal Sharma, Adv.
 Mr. Vishal Malik, Adv.

Mr. Ashutosh Ghade, AOR

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

1. Delay condoned.
2. The applications for permission to file the Special Leave Petitions as well as the applications for substitution are allowed.
3. Leave granted.
4. For the reasons stated in the signed order, the appeals preferred by the land owners of villages Gijhore and Hoshiyarpur are allowed in part, and they are held entitled to compensation at the rate of Rs.306/- per sq.yd. along with all other statutory benefits. As a necessary corollary, the appeals preferred by NOIDA are dismissed.
5. NOIDA is directed to deposit the enhanced amount of compensation with the Reference Court within a period of eight weeks. The same shall, thereafter, be disbursed to the land owners - appellants without any delay.
6. As a sequel thereto, pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)