

Item NO.7

COURT NO.10

SECTION IV-B

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 20674/2016

(Arising out of impugned final judgment and order dated 10-12-2015 in RFA No. 4709/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

ADANI LOGISTICS LTD

Petitioner(s)

VERSUS

LAND ACQUISITION COLLECTOR AND ORS COLLECTOR/

DISTRICT MAGISTRATE & ORS.

Respondent(s)

WITH

SLP(C) No. 2913/2017 (IV-B)

SLP(C) No. 25449/2016 (IV-B)

SLP(C) No. 25466/2016 (IV-B)

SLP(C) No. 20679-20683/2016 (IV-B)

SLP(C) No. 33550-33581/2016 (IV-B)

SLP(C) No. 21938/2016 (IV-B)

SLP(C) No. 25453/2016 (IV-B)

SLP(C) No. 34705-34707/2016 (IV-B)

(FOR ON IA 4/2017 (Application for deletion of proforma respondents))

SLP(C) No. 33589/2016 (IV-B)

SLP(C) No. 3660-3661/2017 (IV-B)

Date : 02-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Gaurav Mittal, Adv.
Ms. Manju Jetley, AOR

Mr. Naresh Kumar , Adv.
Ms. Punam Kumari, AOR

Mr. Daya Krishan Sharma, AOR
Mr. Rohit Vats, Adv.

Ms. Monika Sharma, Adv.

Mr. Siddharth Mittal, AOR
Mr. Nayan Nepal, Adv.

Mr. D.K. Garg, Adv.
Mr. Anil Kuamr, Adv.
Mr. Anjani Kumar Mishra, AOR

Mr. Harin P. Raval, Sr. Adv.
Ms. Ruby Singh Ahuja, Adv.
Ms. Deepti Sarin, Adv.
Mr. Siddhant Gupta, Adv.
Mrs. Manik Karanjawala, Adv.
M/S. Karanjawala & Co., AOR

Mr. Ranbir Singh Yadav, AOR
Mr. Puran Mal Saini, Adv.
Ms. Anzu K. Varkey, Adv.

Mr. Rajat Sharma, Adv.
Mr. Dinesh Verma, Adv.
Mr. Subhasish Bhowmick, AOR

Mr. Pradeep Kumar Kaushik, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Abhinash Jain, Asst. A.G.
Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeals are allowed to the extent indicated in the signed order.

Pending application, if any shall stand disposed of.

(NEELAM GULATI)

(JAGDISH CHANDER)

COURT MASTER (SH)

BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 18381 OF 2017

(Arising out of SLP(C) No. 20674 of 2016

ADANI LOGISTICS LTD

Appellant(s)

VERSUS

LAND ACQUISITION COLLECTOR AND ORS.

Respondent(s)

CIVIL APPEAL No(s). 18388 OF 2017

(Arising out of SLP(C) No. 25449 of 2016

CIVIL APPEAL No(s). 18389 OF 2017

(Arising out of SLP(C) No. 25466 of 2016

CIVIL APPEAL No(s). 18382-18386 OF 2017

(Arising out of SLP(C) No. 20679-20683 of 2016

CIVIL APPEAL No(s). 18391-18422 OF 2017

(Arising out of SLP(C) No. 33550-33581 of 2016

CIVIL APPEAL No(s). 18387 OF 2017

(Arising out of SLP(C) No. 21938 of 2016

CIVIL APPEAL No(s). 18390 OF 2017

(Arising out of SLP(C) No. 25453 of 2016

CIVIL APPEAL No(s). 18424-18426 OF 2017

(Arising out of SLP(C) No. 34705-34707 of 2016

CIVIL APPEAL No(s). 18423 OF 2017

(Arising out of SLP(C) No. 33589 of 2016

CIVIL APPEAL No(s). 18428-18429 OF 2017

(Arising out of SLP(C) No. 3660-3661 of 2017

CIVIL APPEAL No(s). 18427 OF 2017

(Arising out of SLP(C) No. 2913 of 2017

O R D E R

Leave granted.

Heard learned counsel for the parties.

The only question involved in the present appeals is as to how much deduction should have been made from the sale instance that has been relied upon by the Reference court, as well as the High Court.

The High Court has relied upon the sale instance dated 7.4.2006 (Exh.P17), for an area of 39 kanals 9 marlas, i.e. aprox. 5 acres of land was sold at the rate of Rs.38,00,000/- per acre.

The land in question is situated $\frac{1}{2}$ k.ms. from National Highway, and it was acquired for the purpose of Transport Nagar. It was just at the outskirts of the Palwal-Delhi National Highway No.2. Its potentiality has been mentioned by the reference court in its order. Village Firozpur and Agwanpur are located at a distance of $\frac{1}{2}$ k.ms. from National

Highway No.2 and from the Palwal Town. The main Palwal City and G.T. Road Delhi-Agra is situated at a distance of just one kilometer from the acquired land. Civil Hospital, Community Centre, Palwal Courts, the Tehsil, SDM Office, DC office, various Nursing Homes, Public Schools and Commercial centres are all located at a distance of $\frac{1}{2}$ k.ms. The High Court has also found that a lot of development has taken place, and area is well developed.

In the instant case, sale instance was for approx. 5 acres; it was a bonafide transaction and has been rightly relied upon. Thus for smallness of area, no deduction was permissible as sale deed was for 5 acres. For the development, however, certain deduction was definitely required to be made. But deduction of 40% that has been made for smallness as well as for development, could not be said to be appropriate. Reliance has been placed on a decision of this court wherein, land had been acquired on Delhi Gurgaon Road with more or less similar kind of development; 15% deduction towards development was held to be sufficient in the peculiar facts of the said case. Though deduction on higher side can also be made for development, but it would depend upon the facts of each case. In the instant case, considering the development that has taken place around the land, and the situation of the land being near the market, the aforesaid deduction would be appropriate.

Hence, in our considered opinion, instead of 40%, 15% deduction would be appropriate; rest of the Award is not disturbed. The payment be made as early as possible within four months.

The appeals are allowed to the aforesaid extent.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
NOVEMBER 02, 2017