

RATTI RAM

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v.

UNION OF INDIA AND ANOTHER

(Civil Appeal No. 11177 of 2011)

FEBRUARY 17, 2016

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[KURIAN JOSEPH AND ROHINTON FALI NARIMAN, JJ.]

Land Acquisition Act, 1894 – s.28 – Interest on enhanced compensation – Statutory benefits u/s. 28 – Grant of – Land acquisition proceedings – Award passed by the Collector – Denial of statutory benefits available under the Act to the appellant-land owner, in respect of the value of land fixed – Ground for denial was that the proceeding initiated at the instance of the appellant remained stayed before the Reference Court – Held: These are not relevant considerations or factors for the purpose of grant of statutory benefits – There is no exclusion of any period contemplated on whatever account u/s.28 – Only reference is to the date of dispossession – Liability to pay interest starts to run from that date – Thus, the appellant shall be entitled to interest for the compensation, as per s.28 r/w. s.23(1A) in respect of the land acquired from him, on value at the rate of Rs. 76,550/- per Bigha for the period of stay also.

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Delhi Development Authority v. Bali Ram Sharma and Other (2004) 6 SCC 533 – referred to.

Case Law Reference

(2004) 6 SCC 533 referred to Para 1

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CIVIL APPELLATE JURISDICTION: Civil Appeal No. 11177 of 2011.

WITH

Civil Appeal No. 11178 of 2011

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From the Judgment and Order dated 27.07.2011 in RFA No. 174 of 2002 passed by the High Court of Delhi at New Delhi.

Ms. Shobha, Inder Singh, Akanksha Kaushik, Shrey Dambhare, Advs. for the Appellants.

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A Vishnu B. Saharya, Viresh B. Saharya (For M/s Saharya & Co.)
Adv. for the Respondents.

The Judgment of the Court was delivered by

B **KURIAN, J.** 1. In land acquisition proceedings pertaining to
Award No. 79 of 1982-1983 in respect of the land belonging to the
appellants, this Court finally fixed the land value at the rate of Rs. 76,
550/- per Bigha, in the Judgment dated 03.08.2004 in Delhi Development
Authority v. Bali Ram Sharma and Other¹.

C 2. Once the land value is fixed by the Court, it refers to the value
of the land as per the Award passed by the Collector. That should carry
all eligible statutory benefits. It appears that in the case before us,
statutory benefits have been denied for a short period on the ground that
the proceedings initiated at the instance of the appellants, remained stayed
before the Reference Court. To quote from Paragraph-4 of the impugned
judgment:

D *“Learned Counsel for the appellant, however, had submitted
that the learned trial court was not justified in declining the
relief of interest on the enhanced compensation for the period
during which the reference proceedings had remained stayed
sine die and that relief at least should be given by this Court.
E However, this prayer of the appellant cannot be accepted since
he himself had got his reference proceedings before the trial
Court stayed sine die and the Government cannot be burdened
with the liability of interest for the delay in disposal of the
reference proceedings caused by the appellant himself.”*

F 3. We fail to understand how the appellants could be denied the
statutory benefits available under the Land Acquisition Act, 1894
(hereinafter referred to as “the Act”) in respect of the value of this land
fixed, merely because there was a period of stay operating, may be in a
proceeding at the instance of the appellants. Those are not relevant
considerations or factors at all for the purpose of grant of statutory
G benefits available to a person, whose land has been acquired in terms of
Section 28 of the Act. Section 28 reads as under:

*“28. Collector may be directed to pay interest on excess
compensation. If the sum which, in the opinion of the Court,
the Collector ought to have awarded as compensation is in*

H ¹ (2004) 6 SCC 533

excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of nine per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court:

Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry."

4. There is no exclusion of any period contemplated on whatever account under Section 28 of the Act. The only reference is to the date of dispossession. Liability to pay interest starts to run from that date. Therefore, these appeals are allowed. It is directed that the appellants shall be entitled to interest for the compensation, as per Section 28 r/w Section 23(1A), in respect of the land acquired from the appellants, on value at the rate of Rs. 76, 550/- per *Bigha* for the period of stay also, i.e., from 24.04.1997 to 27.09.2001.

5. We direct the Delhi Development Authority to compute the amounts as above and deposit the same before the Executing Court within a period of four weeks from today which shall disburse the amounts to the appellants in accordance with law.

6. There shall be no order as to costs.

Nidhi Jain

Appeals allowed.