(2011) 08 DEL CK 0007

In the Delhi High Court

Case No : LA.APP. 266 of 2008 LA.APP. 259 of 2008, LA.APP. 264 of 2008, LA.APP. 265 of 2008, LA.APP. 267 of 2008, LA.APP. 268 of 2008, LA.APP. 270 of 2008, LA.APP. 271 of 2008, LA.APP. 272 of 2008, LA.APP. 273 of 2008, LA.APP. 278 of 2008 and CM Application 5338 of

Jai Singh APPELLANT

Vs

Union of India (UOI) and Another RESPONDENT

Date of Decision : 23-08-2011

Acts Referred:

Delhi Development Act, 1957 — Section 11A
Land Acquisition Act, 1894 — Section 4, 51A

Citation : (2011) 08 DEL CK 0007

Hon'ble Judges : Pradeep Nandrajog, J

Bench : Single Bench

Advocate : S. Chaturvedi, Deepak Khosla, S.K. Yadav, M.C. Verma, V.P. Rana, Raj Singh, Uday Ram, D.R. Tomar, I.S. Dahiya, N.S. Dalal, S.M. Bhardwaj, B.P. Gupta, S.K. Rout, S.S. Rana, Sunil Dalal, D.S. Khatri and T.P.S. Kang, for the Appellant; Sanjay Poddar, Senior Adv, Sanjay Kumar Pathak, Sachin Nawani, Siddharth Panda and K. Kaomudi Kiran, Advs for R-1, Anusuya Salwan, Adv for DSIDC, Ajay Verma, Pawan Mathur, Shobhna Takiar, Arun Birbal, Bankey Bihari Sharma, Sumer Sethi and Beenashaw Soni, Advs for DDA., for the Respondent

Final Decision : Allowed

Judgement

Pradeep Nandrajog, J.—10 villages; namely, Pooth Khurd, Holambi Kalan, Holambi Khurd, Bawana, Khera Khurd, Narela, Ali Pur, Rajapur Kalan, Shahpur Garhi and Sanoth are comprised in the Revenue District (North-West) and if we see the map of the city of Delhi we would find that these villages lie in the North-Western part of Delhi. They lie within an area between the ?V'' formed by Rohtak Road i.e. NH-10 and G.T. Karnal Road i.e. NH-1. The Delhi-Ambala railway line runs somewhat parallel to NH-1. Whereas villages Narela and Shahpur Garhi are in between the railway line and NH-1, the other villages are on the opposite side of the railway line i.e. towards the west of the railway line. Narela and Shahpur Garhi are towards the east of the railway line. The urbanized city of Delhi where the colony Rohini exists has been developed on the agricultural lands acquired post 1961 and is situated in the land within the aforesaid ?V''. Bawana Industrial Estate came up on lands which were acquired post 1996 and said Industrial Estate is also on the land within the aforesaid ?V''. Historically, except for village Narela, all villages have been treated as equivalent with respect to their location.

2. The instant decision decides the issue as to what should be the fair market value of agricultural lands in the said villages as of the dates 7.8.2000, 11.9.2000, 2.5.2001, 22.8.2001, 7.12.2001, 16.5.2002, 23.5.2002 and 27.1.2003. Needless to state, pursuant to notifications issued, from time to time, on aforesaid dates u/s 4 of the Land Acquisition Act 1894, vast tracts of land in said 10 villages were acquired and save and except lands in the Revenue Estate of village Narela where the purpose of acquisition was partly residential and partly industrial, in the other villages, acquisition was for the purpose of establishing an industrial estate or laying down a road or freight complex. The reason why such large tracts of lands were needed was to set up an industrial estate pursuant to a decision taken to shift all industries operating in non? conforming areas within Delhi to conforming areas.

3. I must highlight that arguments by learned Counsel for the land owners were the same in all appeals filed by them as also cross-objections wherever filed, and similar is the position with respect to the stand taken by the Union of India. Save and except pertaining to village Narela, where an additional argument was advanced; being that, the township of Narela had existed since pre-partition days and thus lands in village Narela had a better value and for which it was urged that way back in the year 1963 when lands in the revenue estate of village Narela and adjoining villages Bhorgarh and Mamurpur were acquired, lands in village Narela were given a price advantage of Rs. 2/-per sq.yd. vis-?-vis the price determined for lands in village Bhorgarh and Mamurpur. I must further highlight that learned Counsel conceded that village Narela and Mamurpur comprised the same revenue estate; with the market i.e. Mandi being in village Narela and the village abadi being in Mamurpur.

4. The position of the awards made from time to time and the relatable notification u/s 4 of the Land Acquisition Act 1894 have been detailed by me while noting the various Land Acquisition Appeals and the Cross Objections as per the index hereinabove and thus I need not repeat the same.

5. A perusal of all the awards announced from time to time would reveal that the learned Land Acquisition Collector has determined compensation payable with reference to notifications/orders issued by the Government of NCT Delhi from time to time notifying the minimum rates for agricultural lands in Delhi and wherever it was found that due to land owners having excavated earth resulting in pits having depths between 4'' to 6'', the land value has been appropriately depressed and this is to be found in a few awards where lands have been put in 2 or 3 categories i.e. Category ?A'', Category ?B'' and Category ?C''.

6. A perusal of the various decisions pronounced by the Reference Court in various Land Acquisition References made, would show that the learned Reference Court has determined fair market value on different principles and for purposes of clarity I may note the basis on which the learned Land Acquisition Collector and the learned Reference Court have determined the compensation payable. The same would be as under:?

A. Pertaining to the notification dated 7.8.2000 issued u/s 4 of the Land Acquisition Act 1894 pursuant whereto 1372.00.10 bigha land was acquired in village Pooth Khurd, for the purpose of shifting industrial units, as against Rs. 13.82 lacs per acre for Category ?A'' lands and Rs. 12.26 lacs per acre for Category ?B'' lands awarded by the learned Land Acquisition Collector (by adopting the price as per the policy for minimum rates as of 1.4.2000), the learned Reference Court has adopted the same rate i.e. Rs. 13.82 lacs per acre and has granted increment at the rate of 12% per annum for the period 1.4.2000 till 7.8.2000 i.e. the date of the notification issued u/s 4 of the Land Acquisition Act 1894 and thus determined fair market value of land in village Pooth Khurd at 14,37,280/-per acre and has ignored that there was Category ?B'' land for which he had to make necessary adjustment.

B. Pertaining to the same notification dated 7.8.2000 pursuant whereto 211.14 bigha land was acquired in village Holambi Kalan, the Land Acquisition Collector treated the land as of same character and determined fair market value with reference to the policy for minimum rates in sum of Rs. 13.82 lacs per acre which has been enhanced by the learned Reference Court to Rs. 14,12,995/-per acre by relying upon a decision of a Division Bench of this Court reported as 2006 (VI) AD Delhi 13 Gajraj v. UOI wherein for the date 15.11.1996 fair market value determined was Rs. 9,76,121/-per acre for Category ?A'' lands and treating the said date and the said price as the base, giving 12% per annum appreciation for a period of 3 years, 8 months and 23 days, to reach the date 7.8.2000, fair market value has been determined.

C. Pertaining to the same notification dated 7.8.2000 pursuant whereto agricultural lands in village Bawana were acquired, the Land Acquisition Collector determined fair market value for Category ?A'' lands, with reference to the policy and fixed the same at Rs. 13.82 lacs per acre for Category ?A'' lands and Rs. 12.62 lacs per acre for Category ?B'' lands. The learned Reference Court maintained the same.

D. Pertaining to the notification dated 11.9.2000 pursuant whereto agricultural lands in village Khera Khurd were acquired for shifting industrial units, the Land Acquisition Collector has, for Category ?A'' lands determined fair market value, with reference to the policy effective from 1.4.2000 in sum of Rs. 13.82 lacs per acre and for Category ?B'' lands has fixed the same at Rs. 12.62 lacs per acre. The learned Reference Court has adopted the policy wherein minimum price fixed as of 1.4.2000 was Rs. 13.82 lacs per acre and for 128 days i.e. the number of days between 1.4.2000 till 11.9.2000, appreciating the same by 12% has determined fair market value at Rs. 14,40,157/-and has uniformly awarded the same for all lands.

E. Pertaining to the notification dated 2.5.2001 pursuant whereto 1140.5.8 bigha land was acquired in Narela for development of sectors 1 to 4, Phase I, Narela, with respect to the policy of minimum price with effect from 1.4.2001 the learned Land Acquisition Collector determined fair market value in sum of Rs. 15.7 lacs per acre for Category ?A'' lands i.e. the same price notified as of 1.4.2001 and for Category ?B'' lands determined the same at Rs. 14 lacs per acre. The learned Reference Court adopted the minimum price notified by the Government as of 1.4.2001 and gave appreciation for a period of 1 month for the reason the notification u/s 4 of the Land Acquisition Act 1894 is dated 2.5.2001 and enhanced the compensation to Rs. 15,85,700/-per acre which has uniformly awarded.

F. Pertaining to the notification dated 22.8.2001 whereunder 512.16 bigha land in village Holambi Kalan were acquired for construction of a 100 meter wide road, the learned Land Acquisition Collector has rested his decision on the minimum price notified as of 1.4.2001 i.e. Rs. 15.7 lacs per acre which has been held to be the fair market value for Category ?A'' lands and for Category ?B'' lands the same has been determined at Rs. 14 lacs per acre. The learned Reference Court, with reference to the minimum rates notified as of 1.4.2001 i.e. Rs. 15.7 lacs per acre has appreciated the same by 12% per annum for 143 days and the price so fixed is Rs. 16,43,811/-per acre which has been uniformly awarded.

G. Pertaining to same notification dated 22.8.2001 pursuant whereto 512.16 bigha land was acquired in village Alipur, on the same reasoning which has been adopted for village Holambi Kalan, for the two categories of land same compensation as determined for village Holambi Kalan has been worked out by the learned Land Acquisition Collector as also by the learned Reference Court who has done away with categorization.

H. Pertaining to the same notification dated 22.8.2001 pursuant whereto 192.15 bigha of land was acquired in village Holambi Khurd, the reasoning of the LAC and the learned Reference Court and the price determined is the same as has been determined for village Holambi Kalan save and except that in this village even the LAC has treated all lands in the same uniform category.

I. Pertaining to the same notification dated 22.8.2001 pursuant whereto agricultural lands in village Rajapur Kalan were acquired the reasoning and the fair market value determined by the learned LAC and the learned Reference Court is the same as adopted for village Holambi Kalan, Holambi Khurd and Alipur save and except in this village the acquired land was of uniform category.

J. Pertaining to the notification dated 7.12.2001 pursuant whereto 222.05 bigha land was acquired in village Sanoth for laying a 80 meter approach road to Narela township, the learned Land Acquisition Collector has assessed compensation uniformly in sum of Rs. 15.7 lacs per acre which is the same as per the policy for minimum price w.e.f. 1.4.2001 and the learned Reference Court has adopted the same price and given appreciation for 250 days at the rate of 12% per annum to reach the figure of Rs. 16,99,042/-per acre.

K. Pertaining to the notification dated 16.5.2002 pursuant whereto agricultural lands in village Shahpur Garhi were acquired, the learned Land Acquisition Collector has determined compensation in sum of Rs. 15.7 lacs per acre which is the minimum price notified by the Government as of 1.4.2001. The learned Reference Court has simply held that the land owners would be entitled to enhance compensation at the rate of 11.5% per annum compounded. I may highlight that the learned Reference Court has not worked out the compensation and has left it to the Executing Court to do so, however I find that the enhanced compensation which would work out would be Rs. 17,75,369.44 per acre for the reason treating the base date as 1.4.2001 and the base price at Rs. 15.7 lacs, for 1 year and 45 days to reach the date 16.5.2001, appreciation would be at the rate of 11.5% per annum compounded as per the learned Additional Sessions Judge.

L. Pertaining to the notification dated 23.5.2002 pursuant whereto agricultural lands in village Shahpur Garhi were acquired the learned LAC and the learned Reference Court have determined same compensation as per the reasoning pertaining to the same village for the notification dated 16.5.2002 and I find that since there is a gap of 7 days in the two notifications, the compensation payable as per the decision of the Reference Court comes to Rs. 17,79,781.78 per acre.

M. Pertaining to the same notification dated 23.5.2002 pursuant whereto 445.81 bigha land in village Holambi Kalan was acquired, the learned LAC has determined fair market value in sum of Rs. 15.7 lacs per acre which is the same as per minimum price w.e.f. 1.4.2001. The learned Reference Court has adopted the same reasoning as was adopted while determining the fair market value of lands in village Holambi Kalan which were acquired pursuant to the notification dated 7.8.2000 i.e. adopted the price determined as of 15.11.1996 in the decision in Gajraj''s case (supra) and appreciating the same by 12% compounded per annum the price determined is Rs. 22,14,239/-per acre.

N. Pertaining to the same notification dated 23.5.2002 pursuant whereto 814.19 bigha agricultural land in village Alipur were acquired the learned Land Acquisition Collector has awarded compensation at the rate of Rs. 15.7 lacs per acre based on the minimum price as of 1.4.2001, which price has been adopted as the base by the learned Reference Court and after granting appreciation at the rate of 12% per annum w.e.f.

1.4.2001 till 23.5.2002, the price determined is Rs. 17,85,240/-per acre.

O. Pertaining to the notification dated 27.1.2003 pursuant whereto 3092.04 bigha land in village Sanoth and 2188.03 bigha land in village Rajapur Kalan were acquired, the learned Land Acquisition Collector, resting his reasoning on the minimum price notified as of 1.4.2001 fixed the same value as the compensation payable for Category ?A'' lands in both villages i.e. Rs. 15.7 lacs per acre and for Category ?B'' lands in sum of Rs. 14 lacs per acre and for Category ?C'' lands in sum of Rs. 12.3 lacs per acre. The learned Reference Court has adopted different reasoning in some impugned decision and different in a few. In some decisions the learned Reference Court has adopted the minimum price in sum of Rs. 15.7 lacs per acre as of 1.4.2001 and appreciating the same by 12% per annum for a period of 666 days has fixed fair market value at Rs. 19,13,765/-per acre which has been uniformly awarded and in some references pertaining to the village Rajapur Kalan, the learned Reference Court has determined the fair market value with reference to a sale deed ?Ex.R-2'' which is dated 20.5.2002 and whereunder 1 bigha and 13 biswa of agricultural land comprised in Khasra No. 200 in the revenue estate of village Rajapur Kalan was purchased for Rs. 5,39,690/-.

7. Since the learned Land Acquisition Collector as also the learned Reference Court have relied upon the notifications issued from time to time by the Government of NCT Delhi, fixing minimum price for agricultural lands in Delhi, let me therefore note the dates and the minimum rates notified from time to time pertaining to agricultural lands in Delhi since the same would be relevant for the present decision. The same would be as under:?

Sl.No.

Date of Notification

Effective Date of the price

Price (in lakhs/acre)

% increase per annum

1.

3.5.1990

27.4.1990

4.65

2.

25.7.1997

1.4.1997

10.0

11.5

3.

24.9.1998

1.4.1998

11.2

11.2

4.

21.11.2000

-

12.32

5.

9.8.2001

1.4.1999 1.4.2000

12.16 13.82

11 11

6.

9.8.2001

1.4.2001

15.7

11.5

7.

30.8.2005

30.8.2005

17.584

2.98

8.

24.1.2008

18.12.2007

53

89.51

8. From the tabulation hereinabove noted it would be apparent that after minimum price was last fixed w.e.f. 27.4.1990 in sum of Rs. 4.65 lakhs/acre it was increased after nearly 7 years to Rs. 10 lakhs/acre and the annual increase comes to 11.5% per annum (simple). The next year i.e. w.e.f. 1.4.1998 the price

was enhanced by 11.2% to reach the figure of Rs. 11.2 lakhs/acre and thereafter w.e.f. 21.11.2000 the price was enhanced to Rs. 12.32 lakhs/acre, which notification was superseded, inasmuch as when the notification dated 9.8.2001 was issued the price was retrospectively enhanced w.e.f. 1.4.1999 to Rs. 12.16 lakhs/acre i.e. the price increased by 11% per annum with reference to the price determined as of 1.4.1998 and vide same notification the price was retrospectively enhanced w.e.f. 1.4.2000 to Rs. 13.82 lakhs/acre i.e. increased by 11% per annum vis-?-vis the previous i.e. Rs. 12.16 lakhs/acre and w.e.f. 1.4.2001 the price rose by 11.5% per annum vis-?-vis the previous price of Rs. 13.82 lakhs/acre to reach the figure of Rs. 15.7 lakhs/acre. The price was next enhanced w.e.f. 30.8.2005 to Rs. 17.584 lakhs/acre which gives us an increase of only 2.98% per annum and then the price rose to Rs. 53 lakhs/acre as of 18.12.2007 i.e. increased 89.51% per annum with reference to the base figure of Rs. 17.584 lakhs/acre and the date 30.8.2005.

9. Before noting the evidence relied upon by the land owners and Union of India before the learned Reference Court, it would be beneficial for the reader of the present decision, as I feel, that arguments advanced on either side may be noted. would highlight that from the side of the land owners, each argument was in the alternative and it was urged that they would be entitled to price determination as per the first argument, failing which as per the second argument, failing which as per the third argument and so on. From the side of Union of India it was urged that the land price fixed by the learned Reference Court pertaining to the notification dated 7.8.2000 for village Pooth Khurd; the notification dated 22.8.2001 for village Holambi Kalan; the notification dated 7.8.2000 for village Bawana; the notification dated 11.9.2000 for village Khera Khurd; the notification dated 2.5.2001 for village Narela; and the notification dated 22.8.2001 for village Ali Pur; and the notification dated 27.1.2003 for village Rajapur Kalan and Sanoth treats as if all lands were of uniform character and it was urged that corrective action is required by doing 2 things. Firstly, with reference to the minimum price notified by the Government from time to time, 11.5% increase per annum and 12% per annum increase was excessive with reference to the dates of the notifications u/s 4 of the Land Acquisition Act 1894; requiring the same to be reduced to 10% per annum in the least. Secondly, the learned Reference Court was not justified in treating all lands as of the same character and thus requiring further correction by suitably depressing the price for such lands which were put in Category ?B'' and Category ?C'' by the Land Acquisition Collector and in respect of which categorization it was urged that neither land owner had challenged the same by leading evidence to the contrary i.e. to show that such lands which were put in Category ?B'' and Category ?C'', on account of pits and depressions of various depths, as per the awards passed by the Land Acquisition Collector was incorrect.

10. Learned Counsel for the land owners firstly urged that the learned Reference Court was not justified in ignoring the 2 sale deeds dated 25.3.2000, Ex.PW-1/3, in Land Acquisition Reference which is subject matter of LA.APP. No. 780/2010 as

also the sale deed dated 25.4.2001, Ex.PW-1/2, in the same LA. Appeal. Vide sale deed Ex.PW-1/3, 33 bigha and 12 biswa agricultural land in village Mamurpur was sold @ Rs. 26.75 lakhs/acre and as per the sale deed Ex.PW-1/2, 2 bigha and 19 biswa of land was sold in the revenue estate of village Khera Khurd for a sum of Rs. 32.4 lakhs and adding on the stamp duty paid and corporation tax it was urged that per acre land price as of 25.3.2000 under Ex.PW-1/3 would be Rs. 28.89 lakhs/acre and pertaining to the sale deed Ex.PW-1/2 the land price would be Rs. 63.478 lakhs/acre. It was thus urged that the said 2 sale deeds would be good evidence to determine the fair market value of agricultural lands in the aforesaid 10 villages as of 7.8.2000, 11.9.2000, 2.5.2001, 22.8.2001, 7.12.2001, 16.5.2002, 25.5.2002 and 27.1.2003 i.e. the 8 dates on which notifications were issued u/s 4 of the Land Acquisition Act 1894 by suitably increasing or decreasing the price. As an extended limb of this argument, pertaining to village Narela, it was urged that the price needs to be suitably enhanced and for which learned Counsel submitted that the same should be at least 10% more and for which the argument was that when in the past, pertaining to a notification issued on 30.10.1963 u/s 4 of the Land Acquisition Act 1894, the Reference Court had given said benefit to agricultural lands in village Mamurpur? Narela by giving a price benefit of Rs. 2/-per sq.yd. This was upheld by the Supreme Court in its decision dated 6.8.1987 in C.A. No. 4405/1997 UOI v. Dharambir and Ors. The said decision would reveal that the price per bigha in sum of Rs. 6,650/?determined by the Land Acquisition Collector was enhanced to Rs. 16,750/-per bigha by the Reference Court which was enhanced to Rs. 22,000/-per bigha by this Court and the decision of this Court was reversed by the Supreme Court and the one rendered by the Reference Court was restored.

11. Learned Counsel for the land owners secondly urged, in the alternative to the first, that the learned Reference Court, having accepted that due to Bawana Industrial Estate, Narela Residential Scheme and Rohini Residential Scheme having resulted in areas around the acquired lands being urbanized and developed into residential and industrial estates, had resulted in the subject lands having acquired a building potentiality, required fair market value to be determined with respect to the price at which DSIDC and DDA i.e. the implementing agencies, which acted as the Nodal Agencies for development of Rohini Residential Scheme and Bawana Industrial Area, sold developed land in the Rohini Residential Scheme and Bawana Industrial Estate and for which learned Counsel took me through the evidence led and as noted by the learned Reference Court, which I would be noting hereunder while dealing with the submission urged.

12. Alternative to the second submission, being the third submission, it was urged that as held by a Division Bench of this Court in the judgment reported as 2001 (93) DLT 150 Bedi Ram v. Union of India, it was permissible to determine fair market value of acquired lands with reference to the fair market value determined by Courts at an earlier point of time by giving suitable increase in the

market value of the land by percentages ranging between 6% per annum to 12% per annum for different periods. Sh.I.S. Dahiya, learned Counsel for some of the land owners handed over a chart, worked upon by learned Counsel, with reference to the decision in Bedi Ram''s case (supra) as per which price increase per annum till 30.3.1965 had to be @ 6% per annum with reference to the base price Rs. 16,750/-per bigha as of 30.10.1963 i.e. the price affirmed by the Supreme Court in Dharambir''s case (supra) and thereafter @ 10% per annum till 31.3.1973 and thereafter @ 12% per annum till the various dates when the 8 notifications u/s 4 of the Land Acquisition Act 1894 were issued from time to time, and with which I am concerned in the present appeals. So worked out, learned Counsel highlighted that as of 27.1.2003 the fair market value would come to Rs. 56,88,759/-per acre and I may highlight that learned Counsel had worked out as aforesaid for the reason he was appearing in such appeals where the price fixation has to be as of the notification dated 27.1.2003. Other learned Counsel urged that on the same principle market value should be assessed for the preceding notifications dated 7.8.2000, 11.9.2000, 2.5.2001, 22.8.2001, 7.12.2001, 16.5.2002 and 23.5.2002.

13. The fourth argument advanced was, and for which reference was made by learned Counsel for the parties in the evidence led in LAC No. 99/2005, which is subject matter of 2 cross appeals i.e.LA.APP. No. 268/2008 filed by the land owners and LA.APP. No. 292/2008 filed by Union of India, that fair market value should have been assessed on yield basis by annualizing the yield for a period of 20 years and the evidence was the testimony of Ram Kishan to the effect that by selling agricultural produce from his lands he used to earn Rs. 1 lakh per bigha per annum i.e. the fair market value as of 7.8.2000 i.e. the date of the notification issued u/s 4 of the Land Acquisition Act 1894 was issued pursuant whereto the land of Ram Kishan and others were acquired. It was thus urged that the fair market value as of said date should be Rs. 20 lakhs per bigha. may highlight that the fourth argument was only projected by Sh.S. Chaturvedi, learned Counsel who appeared for Ram Kishan and others i.e. the Appellants in LA.APP. No. 268/2008 and the Respondents in LA.APP. No. 292/2008.

14. The fifth argument advanced was by Sh.T.P.S. Kang, Advocate who appeared in a few matters and urged that for each of the notification in question the fair market value ought to have been determined with reference to the notification which was closest in point of time where under minimum land value was fixed by the Government and the notification dated 24.1.2008 where under Rs. 53 lakhs per acre was the minimum price fixed as of 18.12.2007; the mean average principle to be adopted was the precise argument.

15. The last argument, which was in the alternative to the first 5, pertained to the notification dated 27.1.2003, dealing with which, in some References the learned Reference Court had, with reference to a sale deed dated 20.5.2002, where under 1 bigha and 13 biswa of land comprised in Khasra No. 200 (1-13) in the revenue estate of village Rajapur Kalan was sold for Rs. 5,39,690/-,

determined the fair market value as per the said sale deed in the following words: (Refer para 17 of the decision dated 7.1.2010 in LAC No. 117A/2009): ?If we add stamp duty in the sale price Rs. 3,69,906/-per bigha (Rs. 5,39,690/-+ 70,160 = 6,09,850 for 1 bigha and 13 biswa) which comes to Rs. 17,74,109/?per acre or Rs. 3,68,906/-per bigha. Further if we give 12; increase on said amount for intervening period between the date when the sale deed was executed and the date of notification u/s 4 (20.05.2002 to 27.01.2003) i.e. 8 months it comes to Rs. 19,16,037/-(round off Rs. 19,16,040/-).? The argument was that if we look at the award relatable to the said acquisition i.e. Award No. 10/ DC(NW)/2004-05, it would reveal that the award pertained to 2188 bigha and 3 biswa land of which 1922 bigha and 18 biswa land was put in Category ?A'', 45 bigha and 2 biswa in Category ?B'' and the remainder 220 bigha and 3 biswa in Category ?C''. The subject sale deed clearly referred to the land being comprised in Khasra No. 200 and that page No. 56-57 of the award would evidence that land comprised in Khasra No. 200 ad-measuring 1 bigha and 13 biswa was placed in Category ?C''. Whereas the Land Acquisition Collector had determined fair market value as of the date of the notification i.e. 27.1.2003 in sum of Rs. 15.7 lakhs per acre based upon the notification dated 9.8.2001 where under said price had been fixed as the minimum price as of 1.4.2001, and thereafter had depressed the same by Rs. 1.7 lakhs per acre for Category ?B'' lands, fair market value determined whereof was Rs. 14 lakhs per acre and further depress the same by another Rs. 1.7 lakhs per acre for Category ?C'' lands, fair market value determined whereof was Rs. 12.3 lakhs per acre. It would be apparent what the argument was. The argument precisely was that if the market value had to be determined with respect to the sale deed in question, the same had to be for Category ?C'' lands and for Category ?B'' and Category ?A'' lands the price had to be increased by Rs. 1.7 lakhs per acre for each category.

16. I have already noted hereinabove the arguments which were advanced by Sh. Sanjay Poddar, learned senior counsel who appeared for the Union of India and the same are reflected in para 9 above and hence I need not repeat the same.

17. In various sub-paras of para 6 hereinabove, I have capsuled the reasoning of the learned Land Acquisition Collector and the learned Reference Court pertaining to the 8 notifications issued u/s 4 of the Land Acquisition Act 1894 and relatable to the 10 villages and thus I commence my journey to deal with the arguments advanced keeping in view the facts noted as also the reasoning of the learned Land Acquisition Collector and the learned Reference Court as per various sub-paras of para 6 above.

18. But before dealing with the arguments I need to highlight various anomalies which strike the reader at the outset. The same would be:?

A. Pertaining to the notification dated 7.8.2000 wherein lands were acquired in village Pooth Khurd, for Category ?B'' lands, having depressions and pits, deduction effected vis-?-vis the price for Category ?A'' lands is Rs. 1.56 lacs per acre and pertaining to the notification dated 11.9.2000 where price has been determined for agricultural lands in village Khera Khurd, said price differential has been worked out at Rs. 1.2 lacs per acre and while determining fair market value for agricultural lands in village Narela which were acquired pursuant to the notification dated 2.5.2001 the deduction effected is Rs. 1.7 lacs per acre, which is the same figure adopted when fair market value of agricultural land in village Holambi Kalan was determined as of the date 22.8.2001. Pertaining to the notification dated 27.1.2003 and relatable to village Sanoth the price differential on said count has again been taken at Rs. 1.7 lacs per acre to inter se differentiate the price between Category ?A'', Category ?B'' and Category ?C'' lands. In other words, the price differential has varied between Rs. 1.2 lacs per acre, 1.56 lacs per acre and Rs. 1.7 lacs per acre.

B. The learned Land Acquisition Collector has adopted the minimum price notified closest in point of time to the date when Section 4 notification was issued without appreciating the land price with reference to the date of the Section 4 notification i.e. no benefit of price rise for the intervening period has been given.

C. The learned Reference Court has adopted the minimum price notified and has given appreciation ranging between 11.5% per annum and 12% per annum and in some cases has compounded the same and in some given said benefit at the simple rate.

D. Pertaining to village Holambi Kalan where acquisitions were made pursuant to the notifications dated 7.8.2000 and 23.5.2002 the learned Reference Court has adopted the price determined by this Court in Gajraj''s case (supra) as of 15.11.1996 and has given appreciation at the rate of 12% simple per annum for the former notification and at the rate of 12% compounded per annum for the latter.

E. Whereas for the notification dated 27.1.2003 the learned Reference Court, in some references has determined the fair market value with reference to the minimum price notified as of 1.4.2001 and has given appreciation, in some cases has determined the fair market value based on the sale deed dated 20.5.2002.

F. Wherever the learned Land Acquisition Collector has classified lands in Category ?A'', ?B'' and ?C'' reasons thereof have been given in the award but the learned Reference Court, while awarding uniform compensation, has given no reasons as to why it was treating all lands to be of same character and quality.

19. Since I am dealing with acquisitions in 10 villages and 8 notifications issued u/s 4 of the Land Acquisition Act 1894, I think it advisable to put in a tabular form the relevant facts, which would be my data for further analysis. Put in a tabular form the data would be as under:?

Village

Date of Section 4 Notification

LAC compensation (in lakhs/acre) with reasons

ADJ compensation (in lakhs/acre) with reasons

PoothKhurd

7.8.2000

Cat. =A? Rs. 13.82 Cat. =B? Rs. 12.26 Minimum price as of 1.4.2000

Cat. Uniform. Rs. 14.3728. Minimum price as of 1.4.2000 with 12% increase p.a.

HolambiKalan

7.8.2000

Rs. 13.82 Minimum price as of 1.4.2000

Rs. 14.12995. Price as in Gajraj?s case as of 15.11.1996 with 12% increase p.a.

HolambiKalan

22.8.2001

Cat. =A? Rs. 15.7 Cat. =B? Rs. 14 Minimum price as of 1.4.2001

Cat. Uniform. Rs. 16.43811. Minimum price as of 1.4.2001 with 12% increase p.a.

HolambiKalan

23.5.2002

Rs. 15.7 Minimum price as of 1.4.2001

Rs. 22.14239. Price as in Gajraj?s case as of 15.11.1996 with 12% increase p.a. (compounded)

Bawana

7.8.2000

Cat. =A? Rs. 13.82 Cat. =B? Rs. 12.62 Minimum price as of 1.4.2000

No enhancement given.

KheraKhurd

11.9.2000

Cat. =A? Rs. 13.82 Cat. =B? Rs. 12.62 Minimum price as of 1.4.2000

Cat. Uniform. Rs. 14.40157. Minimum price as of 1.4.2000 with 12% increase p.a.

Narela

2.5.2001

Cat. =A? Rs. 15.7 Cat. =B? Rs. 14 Minimum price as of 1.4.2001

Cat. Uniform. Rs. 15.857. Minimum price as of 1.4.2001 with

12% increase p.a.

Ali Pur

22.8.2001

Cat. =A? Rs. 15.7 Cat. =B? Rs. 14 Minimum price of 1.4.2001

as

Rs. 16.43811. Minimum price as of 1.4.2001 with 12% increase p.a.

Ali Pur

23.5.2002

Rs. 15.7 Minimum price of 1.4.2001

as

Rs. 17.8524 Minimum price as of 1.4.2001 with 12% increase p.a.

HolambiKhurd

22.8.2001

Rs. 15.7 Minimum price of 1.4.2001

as

Rs. 16.43811 Minimum price as of 1.4.2001 with 12% increase p.a.

RajapurKalan

22.8.2001

Rs. 15.7 Minimum price of 1.4.2001

as

Rs. 16.43811 Minimum price as of 1.4.2001 with 12% increase p.a.

RajapurKalan

27.1.2003

Cat. =A? Rs. 15.7 Cat. =B? Rs. 14 Cat. =C? Rs. 12.3 Minimum price of 1.4.2001

as

1. Rs. 19.13765 for Uniform category. Minimum price as of 1.4.2001 with 12% increase p.a. in some cases. 2. Rs. 19.1604 for Uniform category based on sale deed dated 25.5.2002 with 12% increase p.a.

Sanoth

7.12.2001

Rs. 15.7 Minimum price of 1.4.2001

as

Rs. 16.99042. Minimum price as of 1.4.2001 with 12% increase p.a.

Sanoth

27.1.2003

Cat. =A? Rs. 15.7 Cat. =B? Rs. 14 Cat. =C? Rs. 12.3 Minimum price of 1.4.2001

as

Rs. 19.13765 for Uniform category. Minimum price as of 1.4.2001 with 12% increase p.a.

ShahpurGarhi

16.5.2001

Cat. =A? Rs. 15.7 Minimum price as of 1.4.2001

Rs. 17.75369. Minimum price as of 1.4.2001 with compound interest @ 11.5% p.a.

ShahpurGarhi

23.5.2002

Cat. =A? Rs. 15.7 Minimum price as of 1.4.2001

Rs. 17.79781. Minimum price as of 1.4.2001 with compound interest @ 11.5% p.a.

20. I now propose to deal with the 6 submissions urged by learned Counsel for the land owners and the 2 submissions urged by the Union as noted in paras 10 to 15 hereinabove (pertaining to the land owners) and para 8 above (pertaining to Union of India).

21. The first argument is predicated on the 2 sale deeds, Ex.PW-1/3 which is dated 25.3.2000, and the sale deed Ex.PW?1/2 which is dated 25.4.2001. As per the former, fair market value for the former comes to Rs. 26.75 lakhs per acre and the latter @ Rs. 63.478 lakhs per acre. The learned Reference Court has rejected the 2 sale deeds as reliable evidence to determine fair market value of agricultural lands, for all the villages in question on the reasoning that the sale deed Ex.PW-1/3 was purchased by a religious trust by the name of ''Radha Swami Satsang'' and Suraj Bhan PW-6 who had tendered the sale deed in evidence, while deposing in Court in LAC No. 68/2005 had stated that to his knowledge the land was purchased for religious purpose and was being used for

a religious purpose. The sale deed Ex.PW-1/2 has likewise been held not to be reliable evidence to determine fair market value of agricultural lands on the reasoning it was purchased by a Non Government Organization ?Christian Organization? and as per the testimony of PW-7 Sister Annie, the secretary of the organization stated that the organization had to pay the price for the said piece of land as it was the only plot of the requisite size suitable for the requirement of the organization and is being used for destitute women i.e. there was a special circumstance, personal to the vendee.

22. As held in the decisions reported as Land Acquisition Officer, Eluru and Others Vs. Jasti Rohini (Smt) and Another, (Refer para 6) and 2009 (14) SCC 369 Mohd. Raufuddin v. Land Acquisition Officer (Refer para 13) sale transactions evidenced in a sale deed which are tendered in evidence by virtue of Section 51A of the L.A. Act 1894 have not to be ipso facto treated as an exemplar sale deed to determine the market value of land in an area for the reason there may be special circumstances which have led the buyer to pay a higher price. The true test is the price which a well informed willing buyer would pay to an equally well informed seller without being influenced by any special circumstances or the fancy to buy a particular piece of land. An informed buyer would be one who has studied the market and has apprised himself of all available land in the area; has understood the topology of the area and the prevailing prices. If a buyer has a fancy for a particular piece of land, he may pay a much higher price and this would not be a good index of fair market value of the lands in the area. I would be failing if I do not highlight that the Union of India had relied upon the sale deed dated 20.5.2002, which was accepted by the learned Reference Court pertaining to the notification dated 27.1.2003 where-under agricultural land in village Rajapur Kalan was sold by an agriculturist to an agriculturist for a much lesser price i.e. Rs. 17,74,109/-per acre as against the price which comes to Rs. 63.478 lakhs per acre for Ex.PW-1/2 and Rs. 28.89 lakhs per acre for Ex.PW-1/3. The 2 sale deeds Ex.PW-1/2 and Ex.PW-1/3, themselves are having intrinsic evidence of the fanciful price and ex-facie destroy each other.

23. Thus, apart from the reasoning of the learned Reference Court, with which I concur, afore-noted reasons in para 21 above would be additional reasons to hold that the 2 sale deeds would advisably not be good evidence wherefrom fair market value of subject lands can be determined and more so for the reason I find that under various awards nearly between 7,000 to 8,000 bigha of land have been acquired and when the acquisition is of such large an area, it would make all the more a reason to be circumspect on sale deeds having intrinsic evidence of the transaction being the result of a fancy of the buyer. I would be failing not to note an unreported decision cited by learned Counsel Sh.I.S. Dahiya being the decision dated 19.12.2008 disposing of a batch of appeals, lead matter being LA. App. No. 193/2006 Pratap Singh (since deceased) thru L Rs v. UOI and Ors. It was highlighted that the sale deed therein by which LandT had purchased 8 bigha and 9 biswa of agricultural land for expansion of its factory which had been ignored by the learned Reference Court on the ground that LandT had a fancy for

the said land and hence the price reflected therein could not be treated as a good evidence of value of land in the area, was rejected by the Court and the price in question, with suitable deduction on account of the parcel of land being large, was accepted by the Court and thus even in the instant cases the 2 sale deeds in question i.e. Ex.PW-1/2 and Ex.PW-1/3 should be treated as the basis to determine fair market value. The argument ignores the reasoning in the decision of the Division Bench in paras 37 to 38 wherein the Division Bench, did not accept the value in the sale deed on its own logic as indicative of the market value, but found that if the price therein was reduced by 1/3rd, the price arrived at would be the same as would be price arrived at with reference to the average rate of the sale deeds produced by the Union of India i.e. the sale deeds produced by the Government were giving a price of Rs. 1,37,000/?per bigha and the sale deed under which LandT had purchased the land gave the price Rs. 3,26,600/-per bigha and the average would come to Rs. 2,31,800/-which was near about the price of Rs. 2,15,160/-per bigha, if 1/3rd would be deducted from the sum of Rs. 3,26,600/-. It may further be highlighted that in the said judgment the year of the sale was 1993 and the notification u/s 4 of the Land Acquisition Act was dated 24.7.1995 and 16.11.1995 and the Court determined fair market value as of the said dates at the same sum arrived at as aforesaid i.e. Rs. 2,15,160/-. In other words, the reasoning of the Division Bench is not to be read pedantically but meaningfully. It is not that the Court treated the sale deed in question as the basis for if it was so, the appreciation for 2 years had required to be given. I would highlight once again, that I have hereinbefore already noted the inherent contradiction in the value of the land price as per the 2 sale deeds and this itself is intrinsic mutually destructive evidence of the 2 sale deeds reflecting fair market value.

24. Thus, the first argument as noted in para 10 above is rejected and I immediately highlight that the extended limb of the argument that after accepting the said sale deeds as indicative of the fair market value of the land, pertaining to village Narela, in view of the decision in Dharambir''s case (supra), land price should be suitably enhanced would be dealt with by me at the end when I determine the fair market value of lands for the villages in question.

25. The second argument, contours whereof are to be found in para 11 of my decision herein above, I need to note the latest pronouncement of the Supreme Court on the issue as per the decision reported as Lal Chand Vs. Union of India (UOI) and Another,

26. But before that I must highlight that the decision in Lal Chand''s case (supra) predicated a claim on a DDA brochure whereunder, on lease-hold basis, residential plots were allotted for residential housing scheme and the argument was being considered for fixation of fair market value of agricultural lands in village Rithala, where further lands were acquired for the same residential scheme i.e. ''Rohini Residential Housing Scheme''. I highlight that agricultural lands in village Rithala are situated within the ?V'' formed by NH-1 and NH-10

i.e.G.T. Karnal Road and Rohtak Road.

27. Pertaining to the price charged by DDA after acquiring agricultural lands, developing the same and transferring perpetual lease-hold rights, which observations would equally be relevant to industrial layouts, in paras 11 to 27, the Supreme Court observed and held as under:?

Whether the DDA brochure is relevant evidence?

11. The DDA brochure (Ext. X-1) dated 9-2-1981 is an invitation seeking applications from members of the public for allotment of plots on lease basis under the Rohini Residential Housing Scheme. The brochure stated that the plots were in a layout formed/to be formed in Rithala and the surrounding villages. The brochure gives the following provisional rates for allotment of plots on leasehold basis:

Sl. No.

Plot size

Category Rate

per square metre)

1

26 sq m

Economically weaker sections(EWS)

Rs 100

2

32 sq m

Low income group (LIG)

Rs 125

3

. 48 sq m

Low income group (LIG)

3Rs 150

4

60 sq m

Middle income group (MIG)

4. Rs 200

5

90 sq m

Middle income group (MIG)

Rs 200

The Appellants contend that Rs 150 per square metre which is the average of the said provisional rates, should be taken as indicative of the ruling market price.

12. On careful consideration, we are of the view that such allotment rates of plots adopted by development authorities like DDA cannot form the basis for award of compensation for acquisition of undeveloped lands for several reasons. Firstly, market value has to be determined with reference to large tracts of undeveloped agricultural lands in a rural area, whereas the allotment rates of development authorities are with reference to small plots in a developed layout falling within urban area. Secondly, DDA and other statutory authorities adopt different rates for plots in the same area with reference to the economic capacity of the buyer, making it difficult to ascertain the real market value, whereas market value determination for acquisitions is uniform and does not depend upon the economic status of the land loser. Thirdly, we are concerned with market value of freehold land, whereas the allotment ?rates? in the DDA brochure refer to the initial premium payable on allotment of plots on leasehold basis. We may elaborate on these three factOrs.

First factor

13. The percentage of ?deduction for development? to be made to arrive at the market value of large tracts of undeveloped agricultural land (with potential for development), with reference to the sale price of small developed plots, varies between 20% to 75% of the price of such developed plots, the percentage depending upon the nature of development of the layout in which the exemplar plots are situated.

14. The ?deduction for development? consists of two components. The first is with reference to the area required to be utilised for developmental works and the second is the cost of the development works. For example, if a residential layout is formed by DDA or similar statutory authority, it may utilise around 40% of the land area in the layout, for roads, drains, parks, playgrounds and civic amenities (community facilities), etc.

15. The development authority will also incur considerable expenditure for development of undeveloped land into a developed layout, which includes the cost of levelling the land, cost of providing roads, underground drainage and sewage facilities, laying water lines, electricity lines and developing parks and civil amenities, which would be about 35% of the value of the developed plot. The two factors taken together would be the ?deduction for development? and can account for as much as 75% of the cost of the developed plot.

16. On the other hand, if the residential plot is in an unauthorised private residential layout, the percentage of ?deduction for development? may be far less. This is because in an unauthorised layout, usually no land will be set apart for parks, playgrounds and community facilities. Even if any land is set apart, it is likely to be minimal. The roads and drains will also be narrower, just adequate for movement of vehicles. The amount spent on development work would also be comparatively less and minimal. Thus the deduction on account of the two factors in respect of plots in unauthorised layouts, would be only about 20% plus 20% in all 40% as against 75% in regard to DDA plots.

17. The ?deduction for development? with reference to prices of plots in authorised private residential layouts may range between 50% to 65% depending upon the standards and quality of the layout.

18. The position with reference to industrial layouts will be different. As the industrial plots will be large (say of the size of one or two acres or more as contrasted with the size of residential plots measuring 100 sq m to 200 sq m), and as there will be very limited civic amenities and no playgrounds, the area to be set apart for development (for roads, parks, playgrounds and civic amenities) will be far less; and the cost to be incurred for development will also be marginally less, with the result the deduction to be made from the cost of an industrial plot may range only between 45% to 55% as contrasted from 65% to 75% for residential plots.

19. If the acquired land is in a semi-developed urban area, and not an undeveloped rural area, then the deduction for development may be as much less, that is, as little as 25% to 40%, as some basic infrastructure will already be available. (Note: The percentages mentioned above are tentative standards and subject to proof to the contrary.)

20. Therefore the deduction for the ?development factor? to be made with reference to the price of a small plot in a developed layout, to arrive at the cost of undeveloped land, will be far more than the deduction with reference to the price of a small plot in an unauthorised private layout or an industrial layout. It is also well known that the development cost incurred by statutory agencies is much higher than the cost incurred by private developers, having regard to higher overheads and expenditure.

21. Even among the layouts formed by DDA, the percentage of land utilised for roads, civic amenities, parks and playgrounds may vary with reference to the nature of layout" whether it is residential, residential-cum-commercial or industrial; and even among residential layouts, the percentage will differ having regard to the size of the plots, width of the roads, extent of community facilities, parks and playgrounds provided.

22. Some of the layouts formed by the statutory development authorities may have large areas earmarked for water/sewage treatment plants, water tanks, electrical substations, etc. in addition to the usual areas earmarked for roads,

drains, parks, playgrounds and community/civic amenities. The purpose of the aforesaid examples is only to show that the ?deduction for development? factor is a variable percentage and the range of percentage itself being very wide from 20% to 75%.

Second factor

23. DDA and other statutory development authorities adopt different rates for allotment of plots in the same layout, depending upon the economic status of the allottees, classifying them as high income group, middle income group, low income group, and economically weaker sections. As a consequence, in the same layout, plots may be earmarked for persons belonging to economically weaker sections at a price/premium of Rs 100 sq m, whereas the price/premium charged may be Rs 150 per square metre for members of low income group, Rs 200 per square metre for persons belonging to middle income group and Rs 250 per square metre for persons belonging to high income groups.

24. The ratio of sites in a layout reserved for HIG, MIG, LIG and EWS may also vary. All these varying factors reflect in the rates for allotment. It will be illogical to take the average of the allotment rates, as the ?market value?

of those plots does not depend upon the cost incurred by DDA statutory authority, but upon the paying capacity of the applicants for allotment.

Third factor

25. Some development authorities allot plots on freehold basis, that is, by way of absolute sale. Some development authorities like DDA allot plots on leasehold basis. Some have premium which is almost equal to sale price, with a nominal annual rent, whereas others have lesser premium, and more substantial annual rent.

26. There are standard methods for determining the annual rental value with reference to the value of a freehold property. There are also standard methods for determining the value of freehold (ownership) rights with reference to the annual rental income in regular leases. But it is very difficult to arrive at the market value of a freehold property with reference to the premium for a leasehold plot allotted by DDA. As the period of lease is long, the rent is very nominal, sometimes there is a tendency among the public to equate the lease premium rate (allotment price) charged by DDA, as being equal to the market value of the property.

27. However, in view of the difficulties referred to above, it is not safe or advisable to rely upon the allotment rates/auction rates in regard to the plots formed by DDA in a developed layout, in determining the market value of the adjoining undeveloped freehold lands. The DDA brochure price has therefore to be excluded as being not relevant.?

28. The evidence on the subject has been discussed by the learned Reference

Court and I reproduce the same by extracting from LAC Reference No. 117A/2009. The argument advanced before the learned Reference Court, being the same as was advanced before me, has been noted by the learned Reference Court with reference to the evidence relied upon. It reads:?

?Ld. Counsel for the Petitioners has further submitted that DDA and DSIDC allotted plots in Narela Residential Area and Narela Industrial Area at much higher rate. He has relied upon allotment letter dated 04.01.2000 issued by DDA of the plot No. 52, Pkt. 03, Sector A-5, Narela which was allotted to Sh. Hem Chander at the pre-determined rate of Rs. 3028/-which he has proved as Ex. PW6/1, Allotment letter dated 26.06.2003 of plot No. 55 Pocket 03, Sector-05 area measuring 70 Sq. metres in which rate was fixed as Rs. 3,989 per sq. metres, which is Ex.PW6/2 both this and allotment letter dated 09.07.90 of industrial plot allotted by DSIDC i.e.

plot No. 270, measuring 350 sq. yards at Narela Industrial Complex at the rate of Rs. 650 sq. metres which is Ex. PW3/1 and another allotment letter dated 25.04.2000 of industrial plot which is Ex. PW3/2, which was sold at Rs. 3000 per sq. metres.

Further Ld. Counsel has submitted that from the statement of PW9 Kanwal Singh and document Ex. PW11/1, which is detail of land acquired. It is apparent that total land acquired is 7209 bigha. Thus total cost of development per bigha would be 1794400000 = Rs. 248911 whereas Ld. Counsel has submitted that DDA by selling alternate plot in Narela Residential Scheme @ Rs. 3208 would be Rs. 2531408/-per bigha.

And if 30% of the total area utilized for roads, park, drain etc. total area comes for sale is 70% so the price of per bigha would come to (2531408 ? 759422 = 17719866 per bigha). And after deducting development charges from sale price of one bigha i.e. Rs. 1771986 ? 248911 = 1523075 per bigha, where as Petitioner has been given rate only Rs. 3,27,083/-per bigha.

Similarly he has tried to demonstrate the profits earned by DSIDC. He has relied upon testimony of PW7 R.D. Sharma, Asstt. Manager, DSIDC who has produced documents Ex. PW7/A (Colly). Ld. Counsel has argued that total expenditure incurred on development of Narela Project by DSIDC was 720526901 till 2001 and total area of plots with DSIDC was 11247 hectare i.e. 1361250 sq. yard. Therefore, total earning of DSIDC is Rs. 2142917 per bigha, calculation is as under:

Total area under plots

=

112.47 hec i.e. 1361250 sq. yards.

Price per sq. metre in the year 2000 at which DSIDC sold plot

=

Rs. 3000/-per sq. yards

Total earning

=

Rs. 4083750000

Total expenditure

=

Rs. 720526901

Total profit

=

Rs. 3363223099

i.e. Profit comes to Rs. 2470 per sq. yard or Rs. 2470000 per bigha (i.e. 3363223099 divided by 1361250 sq. yards) and the LAC has paid compensation @ Rs. 327083 per bigha only, meaning thereby that DSIDC has earned a profit of Rs. 2142917 per bigha.

Ld. Counsel for the Petitioners has further argued that LAC has awarded compensation @ Rs. 327083 per bigha for the land in question if 200% appreciation of the said price is considered on account of land, the figure comes to Rs. 654166. If the amount is deducted from sale price per bigha i.e. Rs. 24700000, the figure comes to Rs. 1815834 per bigha and Petitioner is entitled for the same.?

29. Now, we do not have evidence as to what was the extent of plotted land sold by DSIDC or DDA with reference to the Bawana Industrial Estate developed by DSIDC and Narela Residential Scheme developed by DDA. Whether it was 20% or 75%, we do not know. The inchoate evidence has resulted in the same factors, being 3 in number which were noted by the Supreme Court in Lal Chand''s case (supra), which render this evidence as most unreliable to determine the value of land in the subject cases.

30. It is no doubt true, as held even by the learned Reference Court, that with the development of Bawana Industrial Area, Rohini Residential Scheme and Narela Residential Scheme, the subject lands had acquired a building potentiality, but the question would be what would be the value to which the building potentiality would translate itself.

31. I hold that the learned Reference Court, keeping in view the observation and the findings of the Supreme Court in Lal Chand''s case (supra) has rightly rejected said evidence as reliable. On the issue of potentiality relating itself to the value, I promise the reader of the decision, to deal with the same while I shall be discussing as to what should be the fair market value of the lands.

32. The third submission in the alternative was based upon the observations of a Division Bench of this Court in Bedi Ram''s case (supra), and the submission is as noted in para 12 herein above. The land owners require the price determined in Dharambir''s case (supra) relating to the notification dated 30.10.1963 in sum of Rs. 16,750/-per bigha for village Mamurpur to be treated as the basis and progressively increased, firstly by 6% per annum, then by 10% per annum and lastly by 12% per annum for different periods and thereby determine the fair market value for the 8 notifications in question.

33. It be highlighted that in Bedi Ram''s case (supra), with reference to the base date as of the year 1959, for the year 1976 i.e. a period spanning 17 years the Division Bench of this Court applied the progressive increase method by firstly enhancing the price per annum by 6% till the year 1965 and then by 10% per annum till the year 1973 and finally by 12% for the remaining 3 years.

34. However, in Lal Chand''s case (supra), the Supreme Court categorically opined as under:?

Whether the award relating to acquisition on 24-10-1961 is relevant?

47. The Appellants contend that some lands in Rithala were acquired u/s 4(1) Notification dated 24-10-1961 for the planned development of Delhi and compensation was awarded at the rate of Rs 7000 per bigha. Their contention is that as the present acquisition is in the year 1981, the market value of the acquired land should be determined with reference to the market value determined for the 1961 acquisition by providing an appropriate increase at the cumulative/compounded rate of 12% per annum. This Court had occasion to examine this issue recently. In ONGC Ltd. v. Rameshbhai Jivanbhai Patel10 this Court held: (SCC p. 751, para 15)

15. Normally, recourse is taken to the mode of determining the market value by providing appropriate escalation over the proved market value of nearby lands in previous years (as evidenced by sale transactions or acquisitions), where there is no evidence of any contemporaneous sale transactions or acquisitions of comparable lands in the neighbourhood. The said method is reasonably safe where the relied-on sale transactions/acquisitions precede the subject acquisition by only a few years, that is, up to four to five years. Beyond that it may be unsafe, even if it relates to a neighbouring land. What may be a reliable standard if the gap is of only a few years, may become unsafe and unreliable standard where the gap is larger. For example, for determining the market value of a land acquired in 1992, adopting the annual increase method with reference to a sale or acquisition in 1970 or 1980 may have many pitfalls. This is because, over the course of years, the ?rate'' of annual increase may itself undergo drastic change apart from the likelihood of occurrence of varying periods of stagnation in prices or sudden spurts in prices affecting the very standard of increase.?

(emphasis supplied)

48. Even if the relied upon transaction is only two to three years prior to the acquisition, the court should, before adopting a standard escalation, satisfy itself that there were no adverse circumstances. For example, if the acquisition is of this year 2009, it may not be possible to determine the market value, based on the 2007 or 2008 prices, by providing an increase of 12% or 15% per year, as the newspaper reports disclose that the price of immovable properties in most areas of the country came down by more than 40% to 50% from the 2007 rates. Caution is therefore necessary before increasing the price with reference to the old transactions. Be that as it may. It is clear that the award made in regard to a 1961 acquisition will not be of any use for determining the market value for a 1981 acquisition.?

35. It is apparent that the ratio of law laid down by the Division Bench in Bedi Ram''s case (supra) runs in the teeth of the law declared by the Supreme Court in Lal Chand''s case (supra), which decision follows an earlier decision of the Supreme Court reported as 2008 (14) SCC 745 ONGC Ltd. v. Rameshbhai Jivanbhai Patel.

36. In the instant case there is another good reason not to follow the law laid down in Bedi Ram''s case (supra) for the reason I find that a Co-ordinate Division Bench of this Court, in the decision reported as 88 (2000) DLT 650 (DB) Saraswati Devi and Anr. v. UOI and Ors., pertaining to agricultural lands in village Mamurpur ? Narela, did not apply the progressive percentage increase with reference to the price determined in Dharambir''s case (supra) as of the year 1963, which would have resulted in the land price being determined in village Mamurpur ? Narela as of 14.3.1980 @ Rs. 2010/-per annum per bigha and gave the increase @ Rs. 1000/-per bigha. If Bedi Ram''s principle was applied the price would have come to approximately Rs. 50,000/?per bigha but the learned Division Bench determined the same at Rs. 33,000/-per bigha.

37. That apart, as would be noted herein after by me, while discussing on the issue of the fair market value of subject lands, in the unreported decision of a Division Bench of this Court in LA.APP. No. 866/2005 decided on 11.5.2006, Mahender Singh v. UOI and Ors. and connected Land Acquisition Appeals pertaining to agricultural lands in village Bawana, and I highlight that one village with which I am dealing is village Bawana, pertaining to a notification dated 15.11.1996 issued u/s 4 of the Land Acquisition Act where-under 3604 bigha and 18 biswa of agricultural land in village Bawana was acquired for an industrial estate i.e. Bawana Industrial Estate, the fair market value as of 15.11.1996 was determined @ Rs. 1,99,904.68 bigha which equals to Rs. 9,59,542.46 per acre and relevant would it be for me to highlight that if the notification dated 25.7.1997 by which price for agricultural land being the minimum price determined by the Government was Rs. 10 lakhs per acre as of 1.4.1997, the price determined by the Division Bench would equal the minimum price notified by the Government.

38. If I were to take the price as of 15.11.1996 @ Rs. 9,59,542.46 per acre,

pertaining to the notifications with which I am concerned, the price would be approximately the same as determined by the learned Reference Court if I give benefit of progressive increase by 10% per annum. But, I leave it at that for the moment for the reason, as assured by me herein above, I would be holistically discussing the subject while opining upon the fair market value of the subject lands as on date of the 8 notifications in question.

39. The fourth argument, which was advanced only by Sh.S. Chaturvedi, learned Counsel who appeared for Ram Kishan and others, the Appellants in LA.APP. No. 268/2008 and who are the Respondents in the Cross Appeal filed by Union of India i.e.LA.APP. No. 292/2008, is as noted in para 13 above i.e. the testimony of Ram Kishan that from the subject lands belonging to the family they were earning Rs. 1 lakh per bigha by sale of agricultural produce.

40. The learned Reference Court has not accepted the testimony of Ram Kishan because he gave no proof in support of his oral testimony.

41. The reasoning of the Court that there was no crop standing on the land when its possession was taken over on 4.10.2000 would require an inference to be drawn that the acquired lands belonging to the family were not being put to agricultural use and growing 3 to 4 crops per year, is fallacious no doubt, for the reason it is matter of common knowledge that by the 3rd week of September rice is harvested in Delhi and if vegetables are grown, even they are harvested and the land is left fallow for some time, to be readied to grow wheat which is sown around the first week or the second week of November each year.

42. But the other reasoning of there being no evidence led in the form of documents is relevant. Now, as per the testimony of Ram Kishan he was working as an Administrative Officer in the Municipal Corporation of Delhi till 31.3.1996 i.e. was not a tiller himself till said period and thereafter earned a pension. If the family, as claimed by him, was earning Rs. 1 lakh per bigha, for the lands belonging to the family, which admeasure 18 bigha and 18 biswa, the annual income would be Rs. 19 lakhs and one finds it strange that not a penny was invested in a bank or a security wherefrom interest or dividend could be earned. Besides, there is no proof of such high volume of sales being effected in the local Mandi or otherwise. The trader to whom the produce was sold has not been examined. No proof of number of workers employed, diesel purchased to run the tube-well, if any, to irrigate the fields or electricity bills paid if the pump was electrically driven has been furnished and if the fields were irrigated by canal water, no proof of any payment made to the irrigation department has been furnished. Thus, the learned Trial Judge is fully justified in not adopting the yield basis, by capitalizing the same, to determine the fair market value of lands. There is no reliable evidence on the issue of the yield and the self serving deposition of Ram Kishan has been rightly rejected.

43. If there is reliable evidence of an independent expert or there is otherwise reliable evidence, as was found in the decision of the Supreme Court reported as

State of Gujarat and others Vs. Rama Rana and others, ., pertaining to the yield from agricultural land, only then it would be safe to determine fair market value by applying the principle of capitalizing on the yield basis and that too, the capitalizing being 10 times the annual yield and not 20 times as was sought to be projected.

44. The fifth argument which was advanced, as noted herein above in para 14, by Sh.T.P.S. Kang, Advocate was that the mean average principle be adopted with reference to the notification dated 24.1.2008.

45. In para 7 above, I have put in a tabular form, the minimum prices notified for agricultural land in Delhi from time to time. I highlight that the notifications with which I am concerned are dated 7.8.2000, 11.9.2000, 2.5.2001, 22.8.2001, 7.12.2001, 16.5.2002, 25.5.2002 and 27.1.2003 i.e. the years are 2000, 2001, 2002 and 2003. From the table in para 7 above, we find that minimum prices have been notified as of 1.4.2000, 1.4.2001 and 30.8.2005. Thus, there would be no need to factor in the minimum price notified under the notification dated 24.1.2008 which is w.e.f. 8.12.2007 i.e. is 4 years away from the last year with which I am concerned i.e. the year 2003. I highlight that reckoned w.e.f. the year 2000 i.e. the first year with which I am concerned, the notification would be 7 years away. The law of statistics which governs mean average as one of the recognized modes to determine a value, in between 2 given values, requires the 2 end points to be the ones which would be closest to the point for which the mean average has to be determined.

46. I am left to deal with the last submission, as noted in para 15 herein above, and for which I highlight that the learned Reference Court has, pertaining to the notification dated 27.1.2003 determined the fair market value in some References with respect to a sale deed dated 20.5.2002 where under 1 bigha and 13 biswa of land was sold in village Rajapur Kalan and has determined that based thereon the price as of said date works out to Rs. 17,74,109/-per acre and increasing the same for 8 months by 12% per annum, for the date 27.1.2003 the price would be Rs. 19,16,037/-per acre rounded off to Rs. 19,16,040/-per acre.

47. With reference to the Award No. 10/DC(NW)/2004-05 it is apparent that land comprised in Khasra No. 200 admeasuring 1 bigha and 13 biswa was a Category ?C'' land. The sale deed in question pertains to the same land and indeed there is logic that if said sale deed had to be accepted, it would reflect fair market value of Category ?C'' land. As per the learned Land Acquisition Collector Rs. 1.7 lakhs per acre would be required to fill up the depressions for land in Category ?B'' and further sum of Rs. 1.7 lakhs per acre would be required to fill up the depressions in Category ?C'' land, meaning thereby depressions in Category ?B'' land were less vis-?-vis Category ?C'' land. In other words, with reference to Category ?A'' land, the price of Category ?C'' land would have to be reduced and vice-versa, vis-?-vis Category ?C'' land, the price for Category ?B'' land and for Category ?A'' land would be required to be increased suitably.

48. I now enter the final stage of my discussion. In view of the evidence herein above noted and reflecting upon the reasoning adopted by the learned Land Acquisition Collector and the learned Reference Court, I pose the question: What should be the fair market value of the subject lands as of 7.8.2000, 11.9.2000, 2.5.2001, 22.8.2001, 7.12.2001, 16.5.2002, 25.5.2002 and 27.1.2003 i.e. the dates on which the notifications were issued u/s 4 of the Land Acquisition Act 1894.

49. I have, in para 37 above, noted a decision of a Division Bench of this Court in LA.APP. No. 866/2005 decided on 11.5.2006, Mahender Singh v. UOI and Ors. wherein pertaining to village Bawana, fair market value determined as of 15.11.1996 is Rs. 1,99,904.68 per bigha which equals to Rs. 9,59,542.46 per acre. The said decision would be relevant on the issue of potentiality, an issue which I have promised to discuss. The decision notes that the subject lands i.e. the lands with which the Division Bench was concerned, had acquired a potentiality inasmuch as, as discussed in paras 25 to 28 of the decision, rural areas in the Union Territory of Delhi was attracting migrants. Based on population growth, 5 villages in rural Delhi were identified for providing major health facilities, schools, markets and rural industry, one of which was village Bawana. It was noted that G.T. Karnal Road and Rohtak Road were providing good access to village Bawana and that the Master Plan for Delhi notified in the year 1990 had indicated the land use in the area to be changed in the future to industrial and commercial, but had also observed that notwithstanding this, for the reason no zonal plan was notified as contemplated by Section 11A of the Delhi Development Act 1957, the lands continued to be used for agricultural purposes and there was no evidence that till the year 1996, any land use had been actually changed and put to the use contemplated by the Master Plan. As in the instant case, where all subject lands were continuously put to agricultural use, same was the case noted in the said decision. To put it pithily, the potential use of the lands giving birth to a potential land value with reference to the area being known to all as being required in the future for building purposes, was found not resulting in the potential being valued with reference to the potentiality i.e. the lands being, in the near future capable of being built upon. To put it differently, the decision, though not so expressly stating, would be a proposition that there is a difference between the undeveloped land having building potentiality in presenti vis-?-vis a land having a building potentiality, in futuro. As already noted by me in para 36 above, as of the date 15.11.1996, fair market value determined was Rs. 9,59,542.46 per acre and which I highlight once again is the same as would be determined with reference to the notification being closest in point of time i.e. the notification dated 25.7.1997 where-under for agricultural lands in Delhi minimum price fixed by the Government as of 1.4.1997 was Rs. 10 lakhs per acre. Interestingly, the same Division Bench had pronounced another judgment reported as 2006 IV AD (Del) 13 Gajraj Singh v. UOI and Anr. where pertaining to agricultural lands in village Holambi Kalan where 940 bigha and 6 biswa land was acquired pursuant to the same

notification dated 15.11.1996, fair market value determined for Category ?A'' lands was Rs. 9,76,121/-per acre and for Category ?B'' lands was Rs. 9,51,121/? per acre i.e. near approximate to the fair market value of lands in village Bawana. It needs to be highlighted that while determining the fair market value as of 15.11.1996 in village Holambi Kalan, evidenced from the observations of the Court in para 19 and 20 of the decision, location and potentiality with reference to development work carried out in the surrounding lands was considered. I would highlight that another Division Bench of this Court, in another adjoining village in the same ?V'' i.e. between G.T. Karnal Road and Rohtak Road, i.e. village Singhola determined fair market value as of 19.3.1993 @ Rs. 1,30,523/-per bigha i.e. Rs. 6,26,510.40 per acre. The decision is reported as 2004 (4) AD (Del) 20 Ram Chander v. UOI and the same Division Bench, as per the decision reported as Hukum Singh and Others Vs. Union of India (UOI) and Others, pertaining to a notification dated 14.1.1994 for village Singhola determined fair market value @ Rs. 1,40,230/-per bigha i.e. Rs. 6,73,104/-per acre.

50. The aforesaid judgments noted in the preceding paragraphs as also the various notifications issued from time to time by the Government of NCT Delhi notifying minimum price for agricultural lands in Delhi as tabulated by me in para 7 above bring out two very important facts relevant to determine the growth/rise in the prices of agricultural land in Delhi over the years commencing from the year 1990. As of 27.4.1990 minimum price was Rs. 4.65 lakhs per acre which rose to Rs. 10 lakhs per acre as of 1.4.1997 i.e. the increase is Rs. 5.35 lakhs spread over 7 years which gives us a 115.054% increase in 7 years and the average price increase would be 16.436%. The price rise over the next 1 year is by 11.2% and thereafter by 11% for the next 2 years and 11.5% for the next year i.e. as of 1.4.2001. It shows that due to urbanization, between the year 1990 and 1997 prices grows fairly sharply and good corroborative evidence for this would be the decision of the Division Bench of this Court in Gajraj''s case (supra), which I have discussed in para 49 above.

51. I need to elaborate a little more with respect to the decision in Gajraj''s case. Discussing the evidence pertaining to fair market value of agricultural land in village Holambi Kalan as of 15.11.1996, in paras 9 to 17 the Court discussed the valuation on the basis of agricultural yield and found that the gross return per acre per annum was Rs. 95,000/-for multiple cropped land and having good irrigation facilities and thus capitalized the land price at Rs. 9.5 lakhs per acre. Discussing the second method of land prices of comparable lands in the surrounding areas including potentiality, in para 19 onwards the Court discussed the matter with reference to land prices in adjoining village Bhorgarh where FCI Godowns had come up and based on sale instances found that based on the said sale instances and giving benefit of industrialization the land price would come to Rs. 10,03,364/-per acre (Refer para 31). The Court then considered the prices notified by the Government as per policy dated 1.4.1997 and thus worked out the mean average figure of Rs. 9,76,121/-per acre for Category ?A'' lands and

Rs. 9,51,121/-per acre for Category ?B'' lands. The decision highlights that the potentiality had been well-factored in when the Government issued the minimum price notification w.e.f. 1.4.1997, evidenced by the fact that even with respect to sale transactions the Court found that as against the minimum price notified as of 1.4.1997 at Rs. 10 lakhs per acre, sale instances were highlighting that the price was Rs. 10,03,364/-per acre.

52. The decision in Mahender Singh''s case, pertaining to village Bawana, referred to by me in para 49 above, highlights with reference to para 28 to 31 of the decision that the Master Plan for Delhi 1990 had been taken into account by the Court which was projecting residential, commercial and industrial future exploitation of agricultural land in Delhi and on the issue of potentiality had noted that notwithstanding the Master Plan so projecting and the lands theoretically acquiring a potentiality, the same had not translated into a reality evidenced by the fact that till the year 1996 i.e. the date of the notification with which the Division Bench was concerned, virtually no development had taken place in village Bawana and Holambi Kalan and nobody had exploited the potential. As I have already highlighted in para 49 above there is a gap between what would be expected to be the market growth and what the market actually grows. The decisions in Gajraj''s case and Mahender Singh''s case highlight that potentiality translated itself into a reality between 1990 and 1997 when prices rose by about 16.5% per annum and thereafter the extended potentiality did not translate with the requisite momentum and the acceleration fell to between 10% per annum to 11% per annum. One reason could be that pursuant to Master Plan for Delhi 1990 a fairly large area came to be developed, both residential, commercial and industrial and probably there was enough availability of developed land and the hunger of the market got saturated.

53. The empirical evidence in the instant case, apart from the 2 sale deeds relied upon by the land owners, in respect whereof the learned Reference Court has given good reasons not to rely upon and for which I have given further reasons in paras 21 and 22 hereinabove for not relying upon, being fanciful sale deeds, to determine fair market value, we have with us the sale deed relied upon by the learned Land Acquisition Collector pursuant whereto in some references in village Rajapur Kalan the learned Reference Court has held that as per the said sale deed Ex.R-2 as of the date of the sale i.e. 20.5.2002 the fair market value of agricultural lands would be Rs. 19,16,040/-per acre as of 27.1.2003 on the reasoning that 1 bigha and 13 biswa of land which was sold for Rs. 5,39,690/- and Rs. 70,160/-was paid as stamp duty would mean that Rs. 6,09,850/-(Rs. 5,39,690/-+ Rs. 70,160/-) were spent would yield the price Rs. 17,74,109/-per acre as of the date of the sale i.e. 20.5.2002.

54. Thus, the best which could be said as the most favourable situation for the land owners would be that with reference to the sale deed dated 20.5.2002 for Category ?C'' lands the price i.e. fair market value of lands in the area would be Rs. 17,74,109/-per acre. For Category ?B'' and Category ?A'' land the price

would have to be suitably enhanced and here we find another area of dispute for the reason, as noted by me hereinabove in sub-para (a) of para 18 the learned Land Acquisition Collector in different awards has deducted sometimes Rs. 1.2 lakhs per acre, sometimes Rs. 1.56 lakhs per acre and sometimes Rs. 1.7 lakhs per acre from the price of Category ?A'' lands to determine the price for Category ?B'' lands and wherever lands were in Category ?C'' as well the price has been deducted further by Rs. 1.7 lakhs per acre.

55. Now, neither side has brought any evidence on record as to what would be the money required to be spent to level the lands and I note that categorization is based only on the basis of certain lands having pits and depressions of various depths requiring the same to be leveled and this would require money to be spent. But on what basis has the Land Acquisition Collector held, in some awards that Rs. 1.2 lakhs per acre would be spent and in some that Rs. 1.56 lakhs per acre would be spent and in some that Rs. 1.7 lakhs per acre would be spent? There is just no clue.

56. In Gajraj Singh''s case (supra), the price differential worked out was Rs. 25,000/-per acre. I have noted hereinabove that the acquisition in Gajraj Singh''s case pertained to the date 15.11.1996. In Gajraj Singh''s case the price for Category ?A'' land determined was Rs. 9,76,121/-per acre and for Category ?B'' land the price determined was Rs. 9,51,121/-per acre and the price differential comes to about 2.5% with reference to the price of Category ?A'' land.

57. I thus hold that Gajraj Singh''s case should be my guiding star for price differential in the instant cases as well and thus I hold that wherever Category ?A'', Category ?B'' and Category ?C'' have to be differentiated on price, the differential should be 2.5%.

58. Thus, if Rs. 17,74,109/-, rounded off to Rs. 17.75 lakhs per acre would be the price for a Category ?C'' land in village Rajapur Kalan as of 20.5.2002 and highlighting that the sale deed Ex.R-2 admittedly pertains to a Category ?C'' land, the price for Category ?B'' land would be Rs. 18.20 lakhs per acre and for Category ?A'' land would be Rs. 18.655 lakhs per acre.

59. Taking the logical reasoning a little further it assumes importance that as per the minimum price notified by the Government as of 1.4.2000 the per acre price was Rs. 13.82 lakhs and as of 1.4.2001 the same was Rs. 15.7 lakhs per acre i.e. the percentage increase between the year was 11.5% per annum. If I treat Category ?A'' land price at Rs. 18.655 lakhs as of 20.5.2002 based on the sale deed Ex.R-2, deducting the price by 11% per annum, the price as of 1.4.2001 would come to approximately Rs. 16.40 lakhs per acre and this would highlight that when contrasted with the minimum price notified by the Government at Rs. 15.7 lakhs per acre as of 1.4.2001, the price differential is Rs. 70,000/-per acre i.e. 4.46%. Since exactness can never be achieved while determining fair market value of a large chunk of land with reference to a few sale deeds where small parcels of land are sold for the reason even within a colony, the size, the

location, the frontage etc. of a piece of land would vary the price by plus or minus 5%. What I wish to highlight is that even the sale deed in question yields to us a fair index as per which the minimum price notified by the Government has an element of rationality and acceptability. It needs to be highlighted that though under normal circumstances a sale on a particular date is normally not held good evidence to work out a land price on a date prior thereto but may be used as evidence to determine land price on subsequent dates, for the reason a price on a particular date is the result of various market forces/conditions having already impacted the land price and it would be difficult to fathom the existence of market forces/conditions walking backwards. But, in the instant case, with reference to the 5 notifications dated 7.8.2000, 11.9.2000, 2.5.2001, 22.8.2001 and 7.12.2001, the differential period is small inasmuch as the sale deed in question is dated 25.5.2002 and thus in the peculiar facts of the instant case, the sale deed in question, which itself has been projected by the Union of India as an evidence of market value of land as on said date, would be a relevant piece of evidence to be taken into account while determining the market value of land as on the dates 7.8.2000, 11.9.2000, 2.5.2001, 22.8.2001 and 7.12.2001.

60. The argument that village Narela had always been treated locationally advantageous for the reason the township of Narela was in existence since long and this was recognized when, pursuant to a notification issued in the year 1963, vis-a-vis the adjoining villages Rs. 2 per square yard price advantage was given to lands in village Narela in Dharambir''s case, looses sight of the fact that the price differential due to locational advantage was keeping in view the realities in the year 1963. Over the period of time, as urbanization took place in Delhi and more and more areas came under plotted development which included areas in North-West of Delhi i.e. the area with which I am concerned today, the price differential faded and by the year 2000 and onward, it has become non-existent.

61. I thus hold that pertaining to the notifications dated 7.8.2000, 11.9.2000, 2.5.2001, 22.8.2001 and 7.12.2001 the land prices would have to be determined on the basis of the minimum price notified by the Government as also with reference to the sale deed dated 25.5.2002 for the reason I find no other cogent evidence wherefrom land price as on said dates could be determined. Pertaining to the notifications dated 16.5.2002, 23.5.2002 and 27.1.2003, the land price needs to be determined with respect to the sale deed dated 25.5.2002 because with reference to the said sale price it is apparent that land price as of said date comes to more than if determined with respect to the notification dated 9.8.2001 wherein minimum land price notified was Rs. 15.7 lakhs per acre with effect from 1.4.2001.

62. With respect to the price differential for Category ?A'' and Category ?B'' lands, noting that pertaining to the said notifications categorization has been done only pertaining to the land acquired in village Pooth Khurd and Holambi Kalan (pertaining to the notification dated 22.8.2001 only), Village Bawana, Khera Khurd, Narela and Alipur (pertaining to the notification dated 22.8.2001) I

hold that vis-?-vis the said notifications, after increasing the price for the date differential, fixing the same for Category ?A'' lands, deduction has to be effected by decreasing the same by 2.5% to determine the price for Category ?B'' land.

63. Before I work out the compensation and since it would be evidenced that pertaining to Category ?A'' lands, the land prices would marginally increase in a few cases and substantially in the other, a striking note of discordant would emerge with respect to the land price determined pertaining to the notification dated 23.5.2002 pertaining to village Holambi Kalan wherein the learned Reference Court has determined the fair market value at Rs. 22,14,23,900/-per acre as of 23.5.2002, but I need to highlight that pertaining to the same notification dated 23.5.2002 in relation to village Alipur the learned Reference Court has determined the fair market value at Rs. 17,85,240/-per acre and I find that pertaining to village Rajapur Kalan and Sanoth, pertaining to the notification dated 27.1.2003 the fair market value assessed for Category ?A'' lands is Rs. 19,16,040/-in some cases and Rs. 19,13,760/-in a few, meaning thereby that much lesser compensation has been worked out in the year 2003 vis-?-vis the compensation worked out for Holambi Kalan pertaining to the notification dated 23.5.2002 and the reason for the abrasion is that in said notification the land price determined in Gajraj''s case (supra) as of 15.11.1996 has been taken and increased at the rate of 12% per annum compounded.

Village Pooth Khurd Notification dated 7.8.2000

64. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2000 minimum price notified per acre is Rs. 13.82 lakhs and requiring said price to be suitably updated to reach the date of the notification i.e. 7.8.2000 and with reference to the sale deed dated 25.5.2002 wherein for Category ?C'' lands, land price per acre comes to Rs. 17,74,109/-, rounded off to Rs. 17,75,000/-per acre, and for Category ?B'' lands increasing the same by 2.5% the price comes to Rs. 18.2 lakhs per acre and further increasing by 2.5% the prices comes to Rs. 18,65,500/-per acre for Category ?A'' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 7.8.2000; the mean average price for Category ?A'' lands in village Pooth Khurd comes to Rs. 14.75 lakhs per acre and decreasing the same by 2.5%, it comes to Rs. 14,38,125/-per acre for Category ?B'' lands. Noting that the learned Reference Court has, without any reasons, done away with Category ?B'' lands and uniform price awarded is Rs. 14,37,280/-per acre, the price differential worked out by me comes to a meager Rs. 1,000/-per acre and thus qua Category ?B'' lands I maintain the amount awarded by the learned Reference Court.

65. All Land Acquisition Appeals filed by the Union of India and cross objections wherever filed by Union of India in the appeals filed by land owners in respect whereof grid has been prepared and labeled as ?GRID-A'' hereinabove are dismissed.

66. All Land Acquisition Appeals filed by the land owners and cross-objections filed by the land owners in appeals filed by Union of India are allowed by decreeing compensation payable for Category ?A'' lands in village Pooth Khurd pertaining to the notification dated 1.4.2000 in sum of Rs. 14.75 lakhs per acre and for Category ?B'' lands the compensation awarded at Rs. 14,37,280/-per acre is maintained and thus such appeals or cross references which pertain to Category ?B'' lands are dismissed.

67. Pertaining to such appeal where the compensation stands enhanced statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be granted, except for the period where there is a delay in filing the appeal or cross objection, for which period of delay no interest on the enhanced compensation shall be paid. These Appellants or cross objectors would be entitled to proportionate cost.

Village Holambi Kalan Notification dated 7.8.2000

68. For the reasoning given in paras 64 to 67 hereinabove pertaining to the notification (same) dated 7.8.2000 relating to village Holambi Kalan, all appeals as per ?GRID-B'' hereinabove and cross objections stand disposed of enhancing the compensation to Rs. 14.75 lakhs per acre and I highlight that as per the award and even as per the reference all subject lands were of uniform category. Needless to state appeals filed by the Union of India and cross objections wherever filed are dismissed. Appeals and cross objections filed by land owners are allowed by enhancing the compensation to Rs. 14.75 lakhs per acre together with statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder v. UOI 2001 (93) DLT 569, except for the period where there is a delay in filing the appeal or cross objection, for which period of delay no interest on the enhanced compensation shall be paid. These Appellants or cross objectors would be entitled to proportionate cost.

Village Bawana Notification dated 7.8.2000

69. Pertaining to village Bawana relating to the same notification dated 7.8.2000 where the learned Reference Court has not enhanced the compensation, for parity of reasoning, fair market value for Category ?A'' lands is fixed at Rs. 14.75 lakhs per acre and for Category ?B'' lands at Rs. 14,38,125/-per acre and noting that Union of India has neither filed any appeal or cross objection, appeals as per ?GRID-C'' hereinabove are allowed by fixing the compensation as hereinbefore mentioned and needless to state on the enhanced compensation the Appellants shall be entitled to statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder v. UOI 2001 (93) DLT 569, except for the period where there is a delay in filing the appeal, for which period of delay no interest on the enhanced compensation shall be paid. These Appellants would be entitled to proportionate cost.

Village Khera Khura Notification dated 11.9.2000

70. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2000 minimum price notified per acre is Rs. 13.82 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 11.9.2000 and with reference to the sale deed dated 25.5.2002 wherein for Category ?C'' lands, land price per acre comes to Rs. 17,74,109/-, rounded off to Rs. 17,75,000/-per acre, and for Category ?B'' lands increasing the same by 2.5% the price comes to Rs. 18.2 lakhs per acre and further increasing by 2.5% the prices comes to Rs. 18,65,500/-per acre for Category ?A'' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 11.9.2000; the mean average price for Category ?A'' lands in village Khera Khurd comes to Rs. 14,83,500/-per acre and decreasing the same by 2.5%, it comes to Rs. 14,46,413/-per acre for Category ?B'' lands.

71. All Land Acquisition Appeals as per ?GRID-D'' filed by the land owners and cross-objections filed by the land owners in appeals filed by Union of India are allowed by decreeing compensation payable for Category ?A'' lands in village Khera Khurd pertaining to the notification dated 11.9.2000 in sum of Rs. 14,83,500/-per acre for Category ?A'' lands and Rs. 14,46,413/?per acre for Category ?B'' lands. I note that pertaining to this notification and the village, the Union of India has not filed any appeal. On the enhanced compensation statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be granted, except for the period where there is a delay in filing the appeal, for which period of delay no interest on the enhanced compensation shall be paid. These Appellants would be entitled to proportionate cost.

Village Narela Notification dated 2.5.2001

72. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2001 minimum price notified per acre is Rs. 15.7 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 2.5.2001 and with reference to the sale deed dated 25.5.2002 wherein for Category ?C'' lands, land price per acre comes to Rs. 17,74,109/-, rounded off to Rs. 17,75,000/-per acre, and for Category ?B'' lands increasing the same by 2.5% the price comes to Rs. 18.2 lakhs per acre and further increasing by 2.5% the prices comes to Rs. 18,65,500/-per acre for Category ?A'' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 2.5.2001; the mean average price for Category ?A'' lands in village Narela comes to Rs. 16,16,500/-per acre and decreasing the same by 2.5%, it comes to Rs. 15,76,087-per acre for Category ?B'' lands. Noting that the learned Reference Court has, without any reasons, done away with Category ?B'' lands and uniform price awarded is Rs. 15,85,570/-per acre and since for Category ?B'' lands the price worked out by me is less by Rs. 9,000/-per acre which is a meager amount, I hold that for Category ?B'' lands the price determined would be as per the reference but for Category ?A'' lands the price stands enhanced to Rs. 16,16,500/-per acre.

73. All Land Acquisition Appeals as per ?GRID-E'' filed by the land owners and cross-objections filed by the land owners in appeals filed by Union of India are allowed by decreeing compensation payable for Category ?A'' lands in village Narela pertaining to the notification dated 2.5.2001 in sum of Rs. 16,16,500/-per acre and as per the reference order for Category ?B'' lands. Thus, appeals filed by the Union of India as also cross objections filed by Union of India as also such appeals which relate to Category ?B'' lands filed by land owners are dismissed and the ones i.e. the appeals and cross objections filed by the land owners pertaining to Category ?A'' lands are allowed as aforesaid and needless to state on the enhanced compensation statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be granted, except for the period where there is a delay in filing the appeal, for which period of delay no interest on the enhanced compensation shall be paid. These Appellants would be entitled to proportionate cost.

Village Holambi Kalan Notification dated 22.8.2001

74. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2001 minimum price notified per acre is Rs. 15.70 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 22.8.2001 and with reference to the sale deed dated 25.5.2002 wherein for Category ?C'' lands, land price per acre comes to Rs. 17,74,109/-, rounded off to Rs. 17,75,000/-per acre, and for Category ?B'' lands increasing the same by 2.5% the price comes to Rs. 18.2 lakhs per acre and further increasing by 2.5% the prices comes to Rs. 18,65,500/-per acre for Category ?A'' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 22.8.2001; the mean average price for Category ?A'' lands in village Holambi Kalan comes to Rs. 16,74,500/-per acre and decreasing the same by 2.5%, it comes to Rs. 16,32,637.50 per acre for Category ?B'' lands. Noting that the learned Reference Court has, without any reasons, done away with Category ?B'' lands and uniform price awarded is Rs. 16,43,811/-per acre, the price differential worked out by me comes to a meager Rs. 9,000/-per acre and thus qua Category ?B'' lands I maintain the amount awarded by the learned Reference Court.

75. All Land Acquisition Appeals filed by the Union of India and cross objections wherever filed by Union of India in the appeals filed by land owners in respect whereof grid has been prepared and labeled as ?GRID-F'' and ?GRID-G'' hereinabove are dismissed.

76. All Land Acquisition Appeals filed by the land owners and cross-objections filed by the land owners in appeals filed by Union of India are allowed by decreeing compensation payable for Category ?A'' lands in village Holambi Kalan pertaining to the notification dated 22.8.2001 in sum of Rs. 16,74,500/-per acre and for Category ?B'' lands the compensation awarded at Rs. 16,43,811/-per acre is maintained and thus such appeals or cross references which pertain to Category ?B'' lands are dismissed.

77. Pertaining to such appeal where the compensation stands enhanced statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be granted, except for the period where there is a delay in filing the appeal or cross objection, for which period of delay no interest on the enhanced compensation shall be paid. These Appellants or cross objectors would be entitled to proportionate cost.

Village Ali Pur Notification dated 22.8.2001

78. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2001 minimum price notified per acre is Rs. 15.70 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 22.8.2001 and with reference to the sale deed dated 25.5.2002 wherein for Category ?C'' lands, land price per acre comes to Rs. 17,74,109/-, rounded off to Rs. 17,75,000/-per acre, and for Category ?B'' lands increasing the same by 2.5% the price comes to Rs. 18.2 lakhs per acre and further increasing by 2.5% the prices comes to Rs. 18,65,500/-per acre for Category ?A'' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 22.8.2001; the mean average price for Category ?A'' lands in village Ali Pur comes to Rs. 16,74,500/-per acre and decreasing the same by 2.5%, it comes to Rs. 16,32,637.50 per acre for Category ?B'' lands. Noting that the learned Reference Court has, without any reasons, done away with Category ? B'' lands and uniform price awarded is Rs. 16,43,811/-per acre, the price differential worked out by me comes to a meager Rs. 9,000/-per acre and thus qua Category ?B'' lands I maintain the amount awarded by the learned Reference Court.

79. All Land Acquisition Appeals filed by the Union of India in respect whereof grid has been prepared and labeled as ?GRID?H'' hereinabove are dismissed. I note that land owners have not filed any appeal challenging the decision of the Reference Court.

80. There shall be no order as to costs.

Village Holambi Khurd Notification dated 22.8.2001

81. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2001 minimum price notified per acre is Rs. 15.70 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 22.8.2001 and with reference to the sale deed dated 25.5.2002 wherein for Category ?C'' lands, land price per acre comes to Rs. 17,74,109/-, rounded off to Rs. 17,75,000/-per acre, and for Category ?B'' lands increasing the same by 2.5% the price comes to Rs. 18.2 lakhs per acre and further increasing by 2.5% the prices comes to Rs. 18,65,500/-per acre for Category ?A'' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 22.8.2001; the mean average price for Category ?A'' lands in village Holambi Khurd comes to Rs. 16,74,500/-per acre and decreasing the same by 2.5%, it comes to Rs. 16,32,637.50 per acre for Category ?B'' lands.

Noting that the learned Reference Court has, without any reasons, done away with Category ?B'' lands and uniform price awarded is Rs. 16,43,811/-per acre, the price differential worked out by me comes to a meager Rs. 9,000/-per acre and thus qua Category ?B'' lands I maintain the amount awarded by the learned Reference Court.

82. The appeal filed by the Union of India in respect whereof grid has been prepared and labeled as ?GRID-I'' hereinabove is dismissed. I note that land owners have not filed any appeal challenging the decision of the Reference Court.

83. There shall be no order as to costs.

Village Rajapur Kalan Notification dated 22.8.2001

84. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2001 minimum price notified per acre is Rs. 15.70 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 22.8.2001 and with reference to the sale deed dated 25.5.2002 wherein for Category ?C'' lands, land price per acre comes to Rs. 17,74,109/-, rounded off to Rs. 17,75,000/-per acre, and for Category ?B'' lands increasing the same by 2.5% the price comes to Rs. 18.2 lakhs per acre and further increasing by 2.5% the prices comes to Rs. 18,65,500/-per acre for Category ?A'' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 22.8.2001; the mean average price for Category ?A'' lands in village Rajapur Kalan comes to Rs. 16,74,500/-per acre and decreasing the same by 2.5%, it comes to Rs. 16,32,637.50 per acre for Category ?B'' lands. Noting that the learned Reference Court has, without any reasons, done away with Category ?B'' lands and uniform price awarded is Rs. 16,43,811/-per acre, the price differential worked out by me comes to a meager Rs. 9,000/-per acre and thus qua Category ?B'' lands I maintain the amount awarded by the learned Reference Court.

85. All Land Acquisition Appeals filed by the Union of India and cross objections wherever filed by Union of India in the appeals filed by land owners in respect whereof grid has been prepared and labeled as ?GRID-J'' hereinabove are dismissed.

86. All Land Acquisition Appeals filed by the land owners and cross-objections filed by the land owners in appeals filed by Union of India are allowed by decreeing compensation payable for Category ?A'' lands in village Rajapur Kalan pertaining to the notification dated 22.8.2001 in sum of Rs. 16,74,500/-per acre and for Category ?B'' lands the compensation awarded at Rs. 16,43,811/-per acre is maintained and thus such appeals or cross references which pertain to Category ?B'' lands are dismissed.

87. Pertaining to such appeal where the compensation stands enhanced statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be granted, except for the

period where there is a delay in filing the appeal or cross objection, for which period of delay no interest on the enhanced compensation shall be paid. These Appellants or cross objectors would be entitled to proportionate cost.

Village Sanoth Notification dated 7.12.2001

88. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2001 minimum price notified per acre is Rs. 15.70 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 7.12.2001 and with reference to the sale deed dated 25.5.2002 wherein for Category ?C'' lands, land price per acre comes to Rs. 17,74,109/-, rounded off to Rs. 17,75,000/-per acre, and for Category ?B'' lands increasing the same by 2.5% the price comes to Rs. 18.2 lakhs per acre and further increasing by 2.5% the prices comes to Rs. 18,65,500/-per acre for Category ?A'' lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 7.12.2001; the mean average price for Category ?A'' lands in village Sanoth comes to Rs. 17,29,500/-per acre. Noting that all lands in village Sanoth as per the award and as per the Reference Court are of same value I hold that for acquired lands in village Sanoth for the notification dated 7.12.2001 the land owners would be entitled to the enhanced compensation in sum of Rs. 17,29,500/-.

89. All Land Acquisition Appeals filed by the Union of India and cross objections wherever filed by Union of India in the appeals filed by land owners in respect whereof grid has been prepared and labeled as ?GRID-K'' hereinabove are dismissed.

90. All Land Acquisition Appeals filed by the land owners and cross-objections filed by the land owners in appeals filed by Union of India are allowed by granting compensation in sum of Rs. 17,29,500/-and needless to state on the enhanced compensation statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be granted, except for the period where there is a delay in filing the appeal or cross objection, for which period of delay no interest on the enhanced compensation shall be paid. These Appellants or cross objectors would be entitled to proportionate cost.

Village Shahpur Garhi Notification dated 16.5.2002

91. Pertaining to village Shahpur Garhi, as held by me hereinabove the land price would have to be determined with reference to the sale deed dated 20.5.2002 and for which land price for Category ?A'' lands has been determined by me at Rs. 18,65,500/-per acre and since there is just a difference of 4 days between the date of sale and the notification I maintain that for the notification in question dated 16.5.2002 the land owners are entitled to compensation at the rate of Rs. 18,65,500/?per acre and I highlight that as per the award and the reference all lands are in the same category. Appeals and cross objections filed by the land owners as per the ?GRID-L'' are allowed and needless to state on the

enhanced compensation the land owners would be entitled to all statutory benefits as per the Land Acquisition Act 1894 as interpreted in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 except that in such appeals or cross objections filed by land owners where there is delay, no interest would be paid for the period of delay. Proportionate costs stand awarded. Appeals and cross objections filed by Union of India are dismissed.

Village Shahpur Garhi Notification dated 23.5.2002

92. Pertaining to the notification dated 23.5.2002 pertaining to village Shahpur Garhi, noting that the date of the sale deed and the notification has a differential of only 3 days I hold that pertaining to this notification, since land is of same category, the land owners would be entitled to compensation at the rate of Rs. 18,65,500/-with statutory benefits as per the Land Acquisition Act 1894 as interpreted in the decision reported as Sunder v. UOI 2001 (93) DLT 569 except in such appeals or cross objections filed by land owners where there is a delay, no interest would be paid for the period of delay. Proportionate costs stand awarded. All such appeals and cross objections by land owners as per ?GRID-M'' stand allowed as aforesaid and all appeals and cross objections filed by Union of India are dismissed.

Village Holambi Kalan Notification dated 23.5.2002

93. As noted by me pertaining to the notification dated 23.5.2002 relating to village Holambi Kalan all lands have been treated in the same category by the learned Land Acquisition Collector and the learned Reference Court. The learned Reference Court has awarded compensation in sum of Rs. 22,14,239/-per acre which I have found to be excessive inasmuch as for the date 23.5.2002 I have held that fair market value would be Rs. 18,65,500/-per acre and thus all appeals and cross objections filed by the land owners as per ?GRID-N'' are dismissed and appeals and cross objections filed by Union of India are allowed by modifying the impugned decree passed by the learned Reference Court and reducing the compensation payable to Rs. 18,65,500/-per acre on which, needless to state, with reference to the enhanced price with reference to the award the statutory benefits already granted stand maintained. No costs.

Village Ali Pur Notification dated 23.5.2002

94. Pertaining to the notification dated 23.5.2002 relating to village Ali Pur, for parity of reasons qua the said notification relating to village Holambi Kalan and Shahpur Garhi I determine fair market value payable at Rs. 18,65,500/-per acre and thus all appeals and cross objections filed by Union of India as per ?GRID-O'' are dismissed and all appeals and cross objections filed by land owners as per said Grid are allowed by enhancing the compensation payable to Rs. 18,65,500/-per acre on which statutory benefits as per Land Acquisition Act as interpreted in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be paid save and except in such appeals or cross objections where there is a delay, interest would not be paid for the period of delay. Proportionate costs as well.

Village Sanoth Notification dated 27.1.2003

95. Pertaining to the appeals and cross objections by the land owners and Union of India as per ?GRID-P'' pertaining to the notification dated 27.1.2003 relating to village Sanoth, I note that the learned Land Acquisition Collector has placed the lands in 3 categories and I find that the learned Reference Court has without any discussion held the lands as of uniform category while awarding compensation.

96. On the mean average basis which I have been following by increasing the price as of 1.4.2001 with reference to the notification issued by the Government as also by increasing the same with reference to the sale deed dated 20.5.2002 and taking the mean average, for Category ?A'' lands the price comes to Rs. 19,43,500/-per acre and for Category ?B'' land the price comes to Rs. 18,94,912.50 per acre and for Category ?C'' lands the price comes to Rs. 18,47,539.68 per acre. I find that the learned Reference Court has uniformly determined fair market value at Rs. 19,13,765/-and thus such appeals or cross objections which have been filed by land owners the same have to be dismissed in so far they pertain to Category ?B'' and Category ?C'' lands and similar would be the fate of appeals and cross objections filed by Union of India pertaining to Category ?A'' lands. The said appeals and cross objections as per ?GRID-P'' are dismissed. Appeals and cross objections filed by land owners pertaining to Category ?A'' lands are allowed by decreeing compensation payable in sum of Rs. 19,43,500/-per acre and needless to state on the enhanced compensation statutory benefits as per the Land Acquisition Act 1894 as interpreted in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be paid save and except in such appeals and cross objections where there is a delay, interest would not be paid for the period of delay. Proportionate costs as well. The appeals and cross objections filed by Union of India pertaining to Category ?B'' and Category ?C'' lands are allowed by modifying the relatable decree in the Reference Order by reducing the compensation for Category ?B'' land to Rs. 18,94,912.50 per acre and for Category ?C'' land to Rs. 18,47,539.68 per acre.

Village Rajapur Kalan Notification dated 27.1.2003

97. For parity of reasoning as per para 96 above pertaining to village Sanoth, similar corrective action is to be required pertaining to lands acquired pursuant to notification dated 27.1.2003 relating to village Rajapur Kalan and where I find that the learned Reference Court has in some cases awarded compensation in sum of Rs. 19,13,765/-per acre and in some cases at Rs. 19,16,040/-per acre by treating all lands of uniform category. On the mean average basis which I have been following by increasing the price as of 1.4.2001 with reference to the notification issued by the Government as also by increasing the same with reference to the sale deed dated 20.5.2002 and taking the mean average, for Category ?A'' lands the price comes to Rs. 19,43,500/-per acre and for Category ?B'' land the price comes to Rs. 18,94,912.50 per acre and for Category ?C'' lands the price comes to Rs. 18,47,539.68 per acre. Thus such

appeals or cross objections which have been filed by land owners the same have to be dismissed in so far they pertain to Category ?B'' and Category ?C'' lands and similar would be the fate of appeals and cross objections filed by Union of India pertaining to Category ?A'' lands. The said appeals and cross objections as per ?GRID-Q'' are dismissed. Appeals and cross objections filed by land owners pertaining to Category ?A'' lands are allowed by decreeing compensation payable in sum of Rs. 19,43,500/-per acre and needless to state on the enhanced compensation statutory benefits as per the Land Acquisition Act 1894 as interpreted in the judgment reported as Sunder v. UOI 2001 (93) DLT 569 shall be paid save and except in such appeals and cross objections where there is a delay, interest would not be paid for the period of delay. Proportionate costs as well. The appeals and cross objections filed by Union of India pertaining to Category ?B'' and Category ?C'' lands are allowed by modifying the relatable decree in the Reference Order by reducing the compensation for Category ?B'' land to Rs. 18,94,912.50 per acre and for Category ?C'' land to Rs. 18,47,539.68 per acre.

