

**(2016) 02 SC CK 0168**

**In the Supreme Court Of India**

**Case No :** Civil Appeal Nos. 11177 and 11178 of 2011

Ratti Ram

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

**Date of Decision :** 17-02-2016

**Acts Referred:**

Land Acquisition Act, 1894 — Section 23(1A), Section 28

**Citation :** (2016) 161 AIC 133 : (2016) AIR(SCW) 1120 : (2016) 2 AIRBomR 697 : (2016) AIRSC 1120 : (2016) 5 ALLMR 471 : (2016) 2 AllWC 2111 : (2016) 116 ALR 540 : (2016) 1 ApexCourtJudgments(SC) 664 : (2016) DNJ 235 : (2016) 4 JCR 137 : (2016) 2 JLJR 205 : (2016) 3 J

**Hon'ble Judges :** Kurian Joseph and Rohinton Fali Nariman, JJ.

**Bench :** Division Bench

**Advocate :** Shobha, Inder Singh, Akanksha Kaushik and Shrey Dambhare, Advocates, for the Appellant; Vishnu B. Saharya, Viresh B. Saharya, Advocates for Saharya & Co., for the Respondent

**Final Decision :** Allowed

## Judgement

Kurian Joseph, J.—1. In land acquisition proceedings pertaining to Award No. 79 of 1982-1983 in respect of the land belonging to the Appellants, this Court finally fixed the land value at the rate of Rs. 76,550/- per Bigha, in the judgment dated 03.08.2004 in Delhi Development Authority v. Bali Ram Sharma and Ors. , (2004) 6 SCC 533.

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

Learned Counsel for the Appellant, however, had submitted that the learned trial court was not justified in declining the relief of interest on the enhanced

compensation for the period during which the reference proceedings had remained stayed sine die and that relief at least should be given by this Court. However, this prayer of the Appellant cannot be accepted since he himself had got his reference proceedings before the trial Court stayed sine die and the Government cannot be burdened with the liability of interest for the delay in disposal of the reference proceedings caused by the Appellant himself.

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

28. Collector may be directed to pay interest on excess compensation. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of nine per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court:

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

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

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

6. There shall be no order as to costs.