

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8777-8792 OF 2017

(Arising out of SLP (C) Nos. 11892-11907 of 2008)

WESTERN COALFIELDS LTD.

Appellant(s)

VERSUS

SMT. CHINNUBAI & ORS. ETC. ETC.

Respondent(s)

WITH

CIVIL APPEAL NOS. 8793-96 OF 2017

(Arising out of SLP (C) Nos. 14372-14375 of 2008)

CIVIL APPEAL NO. 8797 OF 2017

(Arising out of SLP (C) No. 30637 of 2008)

CIVIL APPEAL NO. 8798 OF 2017

(Arising out of SLP (C) No. 6314 of 2016)

O R D E R

- 1) Leave granted.
- 2) The appellant has come before us against a common judgment and order dated 10.01.2008 passed by the High Court of Judicature at Bombay, Nagpur Bench in several First Appeals, by which the High Court has awarded 12% per annum increase in compensation on the basis that the award passed in these cases was after 30.04.1982.
- 3) Learned counsel for the appellant has shown us a number of judgments of the same High Court passed earlier in respect of the same Section 9 Notification under the Coal Bearing Areas (Acquisition and Development) Act in which 12% per annum increase was not awarded as the Section 9 notification was

before 30.04.1982. The earlier judgments were on the basis of a notification issued by the Government of India to this effect.

4) Having heard the learned counsel for the parties, we are of the opinion that the earlier judgments have correctly taken the said notification into account and not granted 12% increase in view of the fact that the said Section 9 notification in those cases were prior to 30.04.1982.

5) Learned counsel further informs us that the Section 9 Coal Act Notification is the same on facts in all the earlier judgments as well as the impugned judgment.

6) This being the case, the judgment dated 10.01.2008 passed by the High Court is set aside.

7) The appeals are allowed accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
July 07, 2017.

