

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S).1711-1712 OF 2020  
(Special Leave to Appeal (C) No(s).12377-12378/2019)**

**NATIONAL HYDRO POWER CORPORATION LTD. APPELLANT(S)**

**VERSUS**

**LALIT THAKUR & ORS. RESPONDENT(S)**

**O R D E R**

1. Leave granted.
2. These appeals take exception to the judgment(s) and order(s) dated 27.12.2018 and 29.03.2019 passed by the High Court of Himachal Pradesh at Shimla in C.W.P. No.554 of 2018, directing the acquiring authority to pay higher compensation on the assumption that the respondent(s)-writ petitioner(s) were discriminated and offered lesser compensation.
3. In our considered opinion, the approach of the High Court in entertaining such a grievance in writ jurisdiction is untenable. The respondent(s)-writ petitioners ought to have resorted to statutory remedy for enhancement of compensation, if they were

not convinced/satisfied with the award dated 05.01.2018 passed under Section 31 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Instead, the respondent(s)-writ petitioner(s) chose to assail the said award by way of writ petition. That was an ill-advised action initiated by the respondent(s).

4. Accordingly, we allow these appeals by giving liberty to the respondent(s) to take recourse to remedy of reference and in exercise of our plenary jurisdiction under Article 142 of the Constitution, to do substantial justice, issue direction to the appropriate authority to consider the reference on its own merits in accordance with law and not to non-suit the respondent(s) on the ground of delay or being barred by limitation. For, the respondent(s) under mistaken belief approached the High Court.

5. The respondent(s) shall, however, take recourse to the reference proceedings within two weeks from today. The reference application, if filed within such time, be decided expeditiously and in any case not later than six months from the date of

presentation of such reference.

6. All contentions available to the parties concerned, to the said reference proceedings, are left open, to be decided on its own merits in accordance with law.

7. Appeals and pending applications are disposed of in the above terms.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(VINEET SARAN)

....., J.  
(DINESH MAHESHWARI)

NEW DELHI  
FEBRUARY 19, 2020

ITEM NO.12

COURT NO.7

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s).12377-12378/2019

(Arising out of impugned final judgment and order dated 27-12-2018 in CWP No. 554/2018 29-03-2019 in CWP No. 554/2018 passed by the High Court Of Himachal Pradesh At Shimla)

NATIONAL HYDRO POWER CORPORATION LTD.

Petitioner(s)

VERSUS

LALIT THAKUR &amp; ORS.

Respondent(s)

(IA No. 84872/2019 - EXEMPTION FROM FILING O.T.)

Date : 19-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Sachin Datt, Sr. Adv.  
Mr. Puneet Taneja, AOR

For Respondent(s) Ms. Radhika Gautam, AOR

Mr. Manish Kumar, Adv.  
Mr. Vijay Kumar, Adv.  
Mr. Som Nath, Adv.  
Mr. Satish Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

Appeals and pending applications are  
disposed of in terms of the signed order.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file)