

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8419 OF 2019

(Arising out of SLP (C) No. 14783/2016)

MAHAVEER SINGH (DEAD) BY LRS

Appellant(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

WITH

CIVIL APPEAL NOS. 8420-8424 OF 2019

(Arising out of SLP(C) No. 36281-36285/2016)

CIVIL APPEAL NO. 8425 OF 2019

(Arising out of SLP(C) No. 14668/2017)

CIVIL APPEAL NO. 8426 OF 2019

(Arising out of SLP(C) No. 4034/2018)

CIVIL APPEAL NO. 8427 OF 2019

(Arising out of SLP(C) No. 4033/2018)

CIVIL APPEAL NO. 8429 OF 2019

(Arising out of SLP(C) No. 17730/2019)

CIVIL APPEAL NO. 8428 OF 2019

(Arising out of SLP(C) No. 17716/2019)

CIVIL APPEAL NO. 8430 OF 2019

(Arising out of SLP (C) No. 26361/2019 @ Diary No(s). 26135/2019)

CIVIL APPEAL NO. 8431 OF 2019

(Arising out of SLP (C) No. 26362/2019 @ Diary No(s). 26138/2019)

CIVIL APPEAL NO. 8432 OF 2019

(Arising out of SLP (C) No. 26363/2019 @ Diary No(s). 29265/2019)

O R D E R

Delay condoned.

Application for impleadment is allowed.

Leave granted.

The present acquisition consists of 139.6483 Hectares in Village Uncha Amirpur, Pargana-Dasna, Tehsil Hapur, District Ghaziabad for the purpose of establishing a power plant in the National Capital Region by NTPC. The Section 4(1) notification in these cases is dated 05.08.1986. By an Award dated 08.11.1988, Rs. 5/- per sq. yard was granted as compensation. However, this was enhanced by the Reference Court, by a judgment dated 31.05.2001, for a sum of Rs.43/- per sq. yard taking 35% as deduction. By the impugned judgment, even though the deduction figure was reduced to 30%, the figure of Rs. 40/- per sq. yard was finally arrived at.

In the course of arguments, a recent order of this Court dated 11.05.2018 in Gunvir Singh & Ors. vs. State of U.P. & Ors. (Civil Appeal No. 5004 of 2018) was pointed out to us. In this case, acquisition was made for the same purpose of land in village Salarpur which is adjoining Village Uncha Amirpur in this case. The difference is that the Section 4 notification *qua* this village was on 21.10.1985. This Court held in the aforesaid order that the figure of Rs. 29/- per sq. yard given by the High Court was on the low side, and therefore in the peculiar facts awarded a compensation of Rs. 36/- per sq. yard instead. It was also pointed out that the deduction taken at 30% could not be found fault with.

Given the fact that in the present appeals the Section 4 notification was 10 months later, in the peculiar facts of these cases, we raise the compensation figure from Rs. 40/- to Rs. 50/- per sq. yard.

The appeals are disposed of accordingly.

Pending applications, if any, also stand disposed of.

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

..... J.  
(V. RAMASUBRAMANIAN)

New Delhi;  
November 05, 2019.

ITEM NO.1

COURT NO.5

SECTION XI

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). 14783/2016

(Arising out of impugned final judgment and order dated 02-11-2015 in FA No. 747/2002 passed by the High Court Of Judicature At Allahabad)

MAHAVEER SINGH (DEAD) BY L.RS

Petitioner(s)

VERSUS

STATE OF U.P. &amp; ANR.

Respondent(s)

IA No. 168605/2018 - EXEMPTION FROM FILING O.T.  
IA No. 168603/2018 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 36281-36285/2016 (XI)

SLP(C) No. 14668/2017 (XI)  
IA No. 48866/2017 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 4034/2018 (XI)

SLP(C) No. 4033/2018 (XI)

SLP(C) No. 17730/2019 (XI)  
IA No. 94463/2019 - CONDONATION OF DELAY IN FILING  
IA No. 94466/2019 - EXEMPTION FROM FILING O.T.

SLP(C) No. 17716/2019 (XI)  
(IA No.88682/2019-CONDONATION OF DELAY IN FILING and IA  
No.88683/2019-EXEMPTION FROM FILING O.T.  
IA No. 88682/2019 - CONDONATION OF DELAY IN FILING  
IA No. 88683/2019 - EXEMPTION FROM FILING O.T.)

Diary No(s). 26135/2019 (XI)  
(IA No.119165/2019-CONDONATION OF DELAY IN FILING and IA  
No.119166/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.119167/2019-EXEMPTION FROM FILING O.T.)

Diary No(s). 26138/2019 (XI)  
(IA No.117807/2019-CONDONATION OF DELAY IN FILING and IA  
No.117809/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.117808/2019-EXEMPTION FROM FILING O.T.)  
Diary No(s). 29265/2019 (XI)

( IA No.138927/2019-CONDONATION OF DELAY IN FILING and IA No.138928/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.138929/2019-APPLICATION FOR SUBSTITUTION and IA No.138930/2019-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

Date : 05-11-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Satpal Singh, AOR  
Ms. Prerna Chaturvedi, Adv.  
  
Mr. Dr. Rajeev Sharma, AOR  
  
Ms. Anita Bafna, AOR  
  
Ms. Vandana Sharma, AOR  
  
Ms. Binu Tamta, AOR

For Respondent(s) Mr. S. K. Dhingra, AOR  
Mrs. Shefali Mitra, Adv.  
  
Ms. Mukti Chowdhary, Adv.  
Ms. Rashmi Singh, AOR

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

Delay condoned.

Application for impleadment is allowed.

Leave granted.

The appeals are disposed of in terms of the signed order.

(R. NATARAJAN)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed order is placed on the file)