

rate of Rs. 310/- per sq. mtr. had followed its earlier order passed in F.A. Nos. 3834-3840 of 2012 whereby compensation for acquisition of land in the same village was assessed at the rate of Rs. 338/- per sq. mtr. Taking into account the time gap between the date of publication of notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") in the two cases, reduction at the rate of 8.33% of the price was ordered. Consequently, the compensation was assessed at Rs. 310/- per sq. mtr. Though no specific ground has been cited for award of compensation from the date of award and not from the date of possession, it would appear that the said view of the High Court is based on the ground that possession prior to the award was on the basis of a mutual agreement between the parties by which rent for such possession was to be determined by the Land Acquisition Officer

who had so determined the rent at Re. 1/- per sq. mtr.

5. The award of compensation in F.A. Nos. 3834-3840 of 2012 has attained finality in law and we are not inclined to open the same. However, taking into account the sale-deed dated 07.09.1996 which was relied upon in F.A. Nos. 3834-3840 of 2012, whereby land was in the same village sold at the rate of Rs. 317/- per sq. mtr. and the fact that notification in the present case is dated 05.05.1999, we are of the view that for the difference of two years eight months, the appellants should be held entitled to enhancement at the rate of 10% of the sale price resulting in an entitlement to compensation at the rate of Rs. 396/- per sq. mtr. We order accordingly. All consequential benefits are to be worked out on that basis.

6. Insofar as award of interest is concerned, from the "possession receipt"

dated 13.03.1989 embodying the terms and conditions subject to which possession was handed over by the landowner it is clear that such possession was taken and handed over pursuant to the provisions of Section 35 of the Act. The terms and conditions of handing over of possession including the fixation of rent, therefore, would remain in force for a period of three years. The Reference Court in its order dated 10.05.2013 took note of the above facts and while awarding interest from the date of possession as per the rates set out in Section 34 of the Act, had specifically directed that the amount of rent paid to the land-owners should be deducted therefrom.

7. We find no infirmity in the conclusion to the above effect as recorded by the learned Reference Court. Accordingly, we set aside the order of the High Court insofar as interest is concerned and

restore the interest awarded by the Reference Court.

8. The appeals are disposed of in the above terms.

....., J.
(RANJAN GOGOI)

....., J.
(ASHOK BHUSHAN)

NEW DELHI
JANUARY 23, 2017

ITEM NO.46

COURT NO.4

SECTION IX

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).32680-32681/2015

(Arising out of impugned final judgment and order dated 13/08/2015 in FA No. 425/2014 and FA No. 426/2014 passed by the High Court of Gujarat at Ahmedabad)

BALDEVJI SAKRAJI THAKOR ETC.

Petitioner(s)

VERSUS

GROUP GENERAL MANAGER, ONGC & ANR.

Respondent(s)

(I.A. NOS.3 & 4 - Applns. for exemption from filing O.T.)

Date : 23/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ASHOK BHUSHANFor Petitioner(s) Mr. Jatin Zaveri, Adv.
Mr. Neel Kamal Mishra, Adv.For Respondent(s) Mr. Sandeep Mahapatra, Adv.
Ms. Madurima Kapoora, Adv.
For M/s. Juris Corp.UPON hearing the counsel the Court made the following
O R D E RApplication for exemption from filing
official translation is allowed.

Leave granted.

The appeals are disposed of in terms of the
signed order.(Neetu Khajuria)
Court Master(Asha Soni)
Court Master

(Signed order is placed on the file.)