

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.2041-2051 OF 2016

PUNJAB SMALL INDUSTRIES AND  
EXPORT CORPORATION LTD. APPELLANT(S)

VERSUS

DHARAMSALA PUKHTA VILLAGE  
KHAK & ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO.2485/2016

CIVIL APPEAL NO.20935/2017  
(@ SLP(C) No.13546/2017)

CIVIL APPEAL NO.20936-20959/2017  
(@ SLP(C) Nos.13521-13544/2017)

CIVIL APPEAL NO.2480/2016

CIVIL APPEAL NO.2058-2059/2016

R.P.(C) No.1910/2016 In SLP(C) No.20379/2014

R.P.(C) No.847/2016 In SLP(C) No.20377/2014

R.P.(C) No.1809/2016 In SLP(C) No.20373/2014

R.P.(C) No.1919/2016 In SLP(C) No.20382/2014

R.P.(C) No.2180/2016 In SLP(C) No.20374/2014

CIVIL APPEAL NO.2618-2619/2016

CIVIL APPEAL NO.20960/2017  
(@ SLP(C) No.25289/2017)

O R D E R

Leave granted.

The appeals have been preferred by the Punjab Small Industries and Export Corporation Ltd., as well as by the land owners, aggrieved by the determination of compensation made by the High Court in the review application; the review had been allowed. The review application was filed at the instance of Punjab Small Industries and Export Corporation Ltd. for reduction of the compensation as, it was contended before the High Court, wrong calculation had been made while awarding the compensation at the rate of Rs.265/- per square yard. Against the impugned judgment certain special leave petitions had been filed before this Court; the same were dismissed. However, the fact remains that, the High Court has allowed the review application as there was an error in the calculation made by the High Court. As serious kind of calculation mistake was made, instead of Rs.16.50 paise per square yard it was taken to be Rs.160.50/- per square yard, and other similar mistakes also crept in; as such, the calculation for determination of compensation was made on incorrect figures, as mentioned by the High

Court in para 9 of its order. It was agreed by all the learned counsel that there was a serious error in the calculation, that has resulted in wrong compensation being awarded. Thus, the dismissal of the special leave petitions shall not come in the way of the High Court in correcting the error of calculation that was committed, and High Court by impugned order has determined the compensation at the rate of Rs.110/- per square yard instead of Rs.265/- per square yard.

The fact is not in dispute, that two notifications had been issued issued for acquisition of land under Section 4 of the Land Acquisition Act, 1894; one was issued on 20<sup>th</sup> January, 1981 and other on 20<sup>th</sup> April, 1988. For both the acquisitions of land, as per the order of review, the determination of compensation was made at the uniform rate of Rs.110/- per square yard.

The Reference Court has enhanced the compensation to Rs.60,000/- per acre in respect of the Notification dated 20<sup>th</sup> April, 1988; whereas and the High Court has awarded compensation at the rate of Rs.265/- per square yard in the main order.

On review being filed, the High Court has awarded

compensation at the rate of Rs.110/- per square yard. The High Court has taken into account the the value of the land at Rs.220/- per square yard and has applied 50% cut.

It was submitted, by learned counsel appearing for the Corporation, that the High Court has granted excessive compensation even in the order passed in review application. Learned counsel has attracted our attention to Para 9 of the order that has assessed price at Rs.55/- per square yard and, the 50% of the same comes to Rs.27/- per square yard; that was the amount which ought to have been awarded by the High Court. The High Court erred in awarding the same amount for the year 1981 and 1988. The compensation could not have been similar for both the acquisitions.

Learned counsel appearing on behalf of the land owners have submitted that High Court has erred in awarding less compensation for the acquisitions made in the year 1981 and 1988 and the High Court committed a mistake by making a cut of 50% out of the valuation arrived at of Rs.220/- per square yard for the year 1988. Thus, the compensation deserves to be enhanced for the year 1981 as well as for the year 1988.

In our opinion, the decision had been taken by the High Court on the basis of premium of the lease, is appropriate in the facts of the case. The compensation that has been awarded by the High Court comes to a figure of Rs.110/- per square yard for the year 1988 which cannot be said either excessive or on a lower side. Appropriate cut has been applied. Thus, we are not inclined to interfere with the compensation determined for the acquisition made in the year 1988. The determination made by the High Court, for the notification issued on 20.04.1988, is upheld.

Coming to the notification issued in the year 1981, considering the facts and circumstances of the case, compensation at the same rate of Rs.110/- could not be said to be proper as that rate was prevailing in the year 1988 and value would be less before six years. Considering the peculiar facts and material on record, it would be appropriate to grant compensation at the rate of Rs.40/- per square yard instead of Rs.110/-, as said acquisition was made more than six years before in 1981.

In view of the above, the appeals filed filed by the Punjab Small Industries and Export Corporation Ltd.,

in regard to Notification issued on 20<sup>th</sup> January, 1981, are allowed to the aforesaid extent and the appeals of land owners are dismissed. The appeals and review petitions filed by the parties, pertaining to compensation with respect to Notification issued on 20<sup>th</sup> April, 1988, are also dismissed.

The amount that has been deposited before the Registry of this Court shall be remitted to the Reference Court for disbursement, along with interest, if any, accrued thereupon. The balance amount, if any, shall be deposited within three months from today.

.....J.  
(ARUN MISHRA)

.....J.  
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI,  
NOVEMBER 21, 2017.

ITEM NO.24 REVISED COURT NO.10 SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s).2041-2051/2016

PUNJAB SMALL INDUSTRIES AND  
EXPORT CORPORATION LTD.

Appellant(s)

VERSUS

DHARAMSALA PUKHTA VILLAGE KHAK & ORS.

Respondent(s)

(FOR RENEWAL OF FDR  
FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 55652/2017  
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 59548/2017  
FOR INTERVENTION/IMPLEADMENT ON IA 98285/2017 (Defective))

WITH

C.A.No.2485/2016 (IV)

SLP (C) No.13546/2017 (IV-B)  
(FOR CLARIFICATION/DIRECTION ON IA 45715/2017 TO BE LISTED ON  
10.7.2017)

SLP(C) No.13521-13544/2017 (IV-B)  
(ONLY OFFICE REPORT FOR DIRECTIONS IS TO BE LISTED ON 21.8.2017)

C.A.No.2480/2016 (IV)

C.A.No.2058-2059/2016 (IV)  
([FOR FDR])

R.P. (C) No.1910/2016 In SLP(C) No.20379/2014 (IV-B)

R.P. (C) No.1847/2016 In SLP(C) No.20377/2014

R.P. (C) No.1809/2016 In SLP(C) No.20373/2014 (IV-B)

R.P. (C) No.1919/2016 In SLP(C) No.20382/2014

R.P. (C) No.2180/2016 In SLP(C) No.20374/2014

C.A.No.2618-2619/2016 (IV)

SLP(C) No.25289/2017 (IV-B)

(For Direction-regarding amount deposited in non-interest bearing account.)

Date : 21-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Mr.Vaibhav Sehgal, Adv.  
Mr.D.K.Tripathi, Adv.

Mr.Sonal Jain, AOR

Mr.Ashok K. Mahajan, AOR

For Respondent(s)

Mr.Prem Sunder Jha, Adv.  
Ms.Manjula Gupta, Adv.  
Ms.Gitanjali N. Sharma, Adv.

Mr.Siddharth Sangal, Adv.  
Mr.Atul Sahi, Adv.  
Mr.Abhay Kumar Tayal, Adv.

Mr.Vipin Gogia, Adv.  
Mrs.Jaspreet Gogia, Adv.

Ms.Ranjeeta Rohatgi, Adv.

Mr.Rajat Sharma, Adv.  
Mr.Dinesh Verma, Adv.  
Mr.S.L.Aneja, Adv.  
Mr.Subhasish Bhowmick, AOR

Mr.Satinder S. Gulati, Adv.  
Mrs.Kamaldeep Gulati, Adv.

Mr.R.Anand Padmanabhan, Adv.  
Mr.Romil Pathak, Adv.  
Ms.Ananya Mukherjee, Adv.  
Mr.Akshay Ravi, Adv.  
Mr.Shashi Bhushan Kumar, Adv.

Mr.Vivek Sood, Sr.Adv.  
Mr.Sonal Jain, Adv.  
Ms.Heena Sharma, Adv.

Mr.Devendra Singh, AOR

Mr.Karan Bharihoke, AOR

Mr.Siddharth Sangal, AOR

Mrs.Kamaldeep Gulati, AOR

Mr.Nikhil Jain, AOR

Mr.Devesh Kumar Tripathi, AOR

Ms.Jaspreet Gogia, AOR

Mr.Jagjit Singh Chhabra, AOR

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

Leave granted.

The appeals and review petitions are disposed of in  
terms of the signed order.

All applications also stand disposed of.

(Ashok Raj Singh)  
Court Master

(Jagdish Chander)  
Court Master

(Corrected Signed Order is placed in the file)