

**SUPREME COURT OF INDIA**

Wave Industries Pvt. Ltd.

Vs.

Atar Singh & Ors.

(2011) 12 SCALE 0153

(G.S.Singhvi and H.L.Dattu,JJ.,)

06.09.2011

**ORDER**

1. Leave Granted.

2.THESE appeals are directed against the judgments of the Division Bench of the Allahabad High Court whereby the appeals filed by the State of Uttar Pradesh in which U.P. State Sugar Corporation (for short, 'the Corporation') got itself impleaded as co -Appellant, against the order passed by IV Additional District Judge, Bulandshahr (hereinafter referred to as, 'the Reference Court') for payment of enhanced compensation to the Respondents were dismissed.

3. THE State Government acquired the Respondents' land in 1990 for expansion of the Bulandshahr unit of the Corporation. After completion of the acquisition proceedings, the Special Land Acquisition Officer passed award dated 25.10.1991 and fixed market value of the acquired land at the rate of ' . 2,00,000/ - per bigha (pucca). Feeling dissatisfied with the award of the Special Land Acquisition Officer, they filed applications under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act') for grant of enhanced compensation at the rate of ' . 400/ - to ' . 700/ - per square yard. After considering the pleadings of the parties and the evidence produced by them including the sale instance dated 3.2.1990 vide which land was sold at the rate of ' . 7 lacs per bigha (pucca), the Reference Court held that the landowners are entitled to compensation at the rate of ' . 6 lacs per bigha with other statutory benefits. The operative portion of order dated 23.3.1992 passed by the Reference Court reads as under: A. References number 25 of 92, 55 of 92, 53 of 92, 56 of 92, 42 of 92, 43 of 92, 44 of 92, 45 of 92, 46 of 92, 47 of 92, 48 of 92, 49 of 92, 50 of 92, 51 of 92, 52 of 92 are allowed and the Award dated 25/10/91 is modified. B. All the applicants in the reference are entitled to get the compensation with respect to the acquired land at the rate of ' . 6,00,000/ - per bigha. C. The applicants in the reference are entitled to get the solatium at the rate of ' . 30% on the increased amount of compensation. D. The applicants in the reference are entitled to get additional compensation at the rate of 12% per annum with effect from the date of publication of the notification getting compensation under Section 4 of Land Acquisition Act. E. The applicants in the reference are entitled to get the interest at the rate

of 9% per annum on enhanced amount of compensation for one year with effect from the date of acquisition of the land i.e. 26/5/90 and they shall be entitled to get the interest at the rate of 15% per annum on increased amount of compensation after the period of one year up -to the date of making payment. F. The amount of compensation be calculated at aforesaid rate and payment be made within the period of two months. ;