

**In the High Court at Calcutta  
Civil Appellate Jurisdiction  
Appellate Side**

**The Hon'ble Mr. Justice Sabyasachi Bhattacharyya  
And  
The Hon'ble Mr. Justice Supratim Bhattacharya**

**FAT No. 266 of 2020  
Subhadip Bose  
Vs.  
LA Collector, Hooghly, Chinsurah**

**With**

**COT 178 of 2025  
Madhusri Roy @ Ray  
Vs.  
State of West Bengal**

**With**

**COT 177 of 2025  
Aniruddha Bandyopadhyay and another  
Vs.  
State of West Bengal**

**With**

**FA No. 228 of 2022  
Aniruddha Banerjee  
Vs.  
LA Collector, Hooghly, Chinsurah**

**With**

**FA No. 377 of 2025  
Sheela Mukherjee  
Vs.  
LA Collector, Hooghly, Chinsurah**

**With**

**FA No. 41 of 2021**  
+  
**CAN 5 of 2022**  
**State of West Bengal represented by LA**  
**Collector, Hooghly**  
**Vs.**  
**Aniruddha Banerjee**

**With**

**FA No. 70 of 2022**  
**State of West Bengal**  
**Vs.**  
**Mahua Mitra**

**With**

**FA No. 72 of 2022**  
**State of West Bengal**  
**Vs.**  
**Sangramjit Singha Roy**

**With**

**FAT No. 267 of 2020**  
**Subarna Singha Roy**  
**Vs.**  
**LA Collector, Hooghly, Chinsurah**

**With**

**FAT No. 268 of 2020**  
**Sangramjit Singha Roy**  
**Vs.**  
**LA Collector, Hooghly, Chinsurah**

**With**

**FAT No. 272 of 2020**  
**State of West Bengal represented by LA**  
**Collector, Hooghly**  
**Vs.**  
**Subhadip Bose**

**With**

**FAT No. 273 of 2020**  
 +  
**CAN 3 of 2024**  
**State of West Bengal represented by LA**  
**Collector, Hooghly**  
**Vs.**  
**Madhusri Roy @ Ray**

**With**

**FAT No. 277 of 2020**  
 +  
**CAN 5 of 2023**  
**State of West Bengal represented by LA**  
**Collector, Hooghly**  
**Vs.**  
**Bikramjit Singha Roy**

**With**

**FA No. 200 of 2025**  
**State of West Bengal represented by LA**  
**Collector, Hooghly**  
**Vs.**  
**Aniruddha Bandhyopadhyay and another**

**With**

**FAT No. 275 of 2020**  
 +  
**CAN 4 of 2024**  
**The State of West Bengal**  
**Vs.**  
**Smt. Sheela Mukherjee**

For the land losers:                   Mr. Ayan Banerjee,  
 Ms. Debjani Sengupta,  
 Ms. Paulomi Ghosh

For the State :                   Mr. Amal Kumar Sen, AAG,  
 Mr. Soumitra Bandyopadhyay, Sr. Gvt. Adv.,  
 Mr. Aniruddha Sen,  
 Mr. Priyabrata Batabyal

Heard  
& reserved on : 22.12.2025  
and 23.12.2025 (FAT No. 275 of 2020)

Judgment on : 14.01.2026

**Sabyasachi Bhattacharyya, J.:-**

1. By a judgment dated May 8, 2025, a co-ordinate Bench of this Court, *inter alia* comprised of one of us (Sabyasachi Bhattacharyya, J.), had disposed of two appeals bearing FAT No. 516 of 2019 and FAT No. 3 of 2019, which, we are apprised, have not been interfered with in any further challenge till date and operates as *res judicata* between the parties thereto.
2. All the present appeals and cross-objections arise from the self-same land acquisition proceeding from which the said previous appeals arose. The arguments advanced by the land losers as well as the State in the previous appeals are adopted in their entirety by both sides in the present appeals. It has been prayed that the instant appeals be also disposed of in terms of the judgment passed in the said earlier appeals. However, for the sake of completion, we narrate the salient features of the said judgment dated May 8, 2025, while passing a similar judgment in the present appeals as well.
3. The matter arises out of a Notification issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the

LA Act") in respect of lands located at Mouza- Bhadrakali in Uttarpara, West Bengal in respect of acquisition of such lands for the public purpose of rehabilitation of squatters/ refugees of the Bhadrakali Women's Home. The Notification was followed by a hearing given under Section 5A of the LA Act by the District Collector. However, in an order passed in connection with a writ petition, a fresh hearing under Section 5A was directed to be held and all previous steps taken from the initial hearing under the said provision till then were annulled.

- 4.** In the meantime, the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (for short, "the 2013 Act") came into force with effect from April 1, 2024, pursuant to which the calculation of compensation was required to be made under Section 26 of the 2013 Act by dint of Section 24 thereof.
- 5.** A re-hearing was held under Section 5A and awards were duly passed, in respect of which references were initiated at the behest of the land losers, including the present land losers, under Section 18 of the LA Act. Since the Rules under the 2013 Act had not been framed till then, by another order of a learned Single Judge of this Court, the reference was directed to continue under Section 18 of the LA Act.
- 6.** By the impugned common judgment and awards dated September 20, 2018, the reference cases was disposed of. Being aggrieved by

the same, the land losers as well as the State have preferred the present appeals and cross-objections.

7. The cardinal grounds of challenge by the State are as follows:

- a. The impugned award was passed on the basis of five sale deeds produced by the land losers before the Referral Court, out of which at least two were executed post-notification. The date of Notification under Section 4 of the LA Act, as published in the Extraordinary Gazette, was September 20, 2011, which is agreed on by both parties to be the relevant date for the purpose of calculation of compensation. Whereas the sale deeds produced by the land losers were in respect of lands with structures, the lands acquired in the present cases were without any structures, although recorded in the records-of-rights to be "*Bastu*" in nature. Thus, the deeds in respect of lands with structures could not a reasonable basis for assessment of compensation in respect of vacant lands.
- b. The plots covered by the sale deeds produced by the land losers are situated far away from the subject-plots in the present matters and were adjacent to a 25-feet wide road. Thus, those sale deeds would depict a higher valuation and, thus, could not be a reasonable basis for valuation of the acquired lands which are the subject of the present acquisition. The sale data produced by the State in respect of

lands adjoining the self-same cluster of lands as acquired in the present acquisition proceeding should have formed the basis of assessment of compensation in the present cases.

- c. The Referral Court relied on one of the deeds produced by the claimant which allegedly contained absurdly high market value, as opposed to the other deeds. However, in terms of settled law, if there is a marked difference between the sale price/market value shown in one of the deeds and the others, such deed ought to be discarded for the purpose of assessing compensation.
- d. In its applications filed for production of additional documents under Order XLI Rule 27 of the Code of Civil Procedure, the State relies upon e-assessment slips of March 26, 2012 which, according to the State, reflect the correct market price of adjacent lands in respect of sale deeds of the contemporaneous period of the acquisition. Those, it is submitted, were required to be considered for assessing the market value of the present acquired plots. It is reiterated in such context that the learned Referral Judge overlooked the sale data provided by the State and relied solely on the sale deeds produced by the land losers.

**8.** On the other hand, the land losers, in support of their appeals/cross objections and while controverting the arguments of the State, put forth the following grounds of challenge:

- a. The impugned referral awards are perverse, since the learned Referral Judge found that the average value of the sale deeds produced was Rs. 4,50,000/- per Cottah, by placing reliance on the statements made in the pleadings of the land losers. However, the actual average value of the sale deeds comes to around Rs. 5,49,694/- per Cottah.
- b. It is settled law that the highest among the various exemplars is to be taken for calculation of compensation. In support of the proposition, the land losers cite *Sri Ram M. Vijayalakshmamma Rao Bahadur Ranee of Vuyyur v. Collector of Madras*, reported at (1969) 1 MLJ (SC) 45, *Meherawal Khewaji Trust (Registered), Faridkot and Others v. State of Punjab and Others*, reported at (2012) 5 SCC 432, *Himmat Singh and Others v. State of M.P. and Another*, reported at (2013) 16 SCC 392 and *Anjani Molu Dessai v. State of Goa and Another*, reported at (2010) 13 SCC 710. As held in *Ashok Kumar and Others v. State of Haryana*, reported at (2016) 4 SCC 544 and *Bhimasha v. Speical Land Acquisition Officer and Another*, reported at (2008) 10 SCC 797, the court has to assess just and fair compensation in respect of land acquisition irrespective of the amount actually claimed by the land losers. The highest market value among the deeds produced was found in Deed No. 0782 dated September 29, 2011, which was to the tune of Rs. 6,36,666/- per Cottah.

Thus, the learned Referral Judge, it is argued, applied erroneous yardsticks in restricting the claim to the initial pleadings of the land losers without taking into account the highest exemplar.

- c. Under Section 26(1)(a) of the 2013 Act, different alternative parameters for assessing the market value have been provided, with the rider that the higher value among those has to be taken as the basis of such valuation. Although in Clause (b) of Sub-section (1), average sale price has been mentioned as one of the parameters, since sub-clause (a) provides for the market value for registered sale deeds in the area to be another determinant, which is the higher valuation in the present case, the same was to be taken as the basis for calculation of compensation.
- d. The sale data provided by the State before the Referral Court did not reflect the market value but the set-forth value of such sales, which could not, thus, be looked into for the purpose of assessing compensation.
- e. As per Section 2(13) of West Bengal Panchayat Act, 1973, “mouza” is defined as the smallest unit of area of land. Since the sale deeds produced by the land losers pertained to the Bhadrakali Mouza, where the lands acquired under the present proceeding were also situated, such deeds provided an accurate measure of market value, as determined by the

registration office, which was mentioned in the deeds. Hence, the valuation mentioned in the said deeds ought to have been the basis of calculation of market value for the purpose of calculating compensation.

- f. Interest has been calculated by the Referral Court till the date when the award was passed, that is July 30, 2015; however, in the reply to a query made by the claimant under the Right to Information Act, the Special Land Acquisition Officer, Hooghly enclosed a Memo which revealed that the Governor was pleased to approve the awards in connection with the subject acquisition on February 23, 2016. Such document is sought to be brought on record by the land losers by way of additional evidence by filing applications under Order XLI Rule 27 of the Code of Civil Procedure. According to the land losers, the interest on the market value as per Section 64 of the 2013 Act should have been calculated till February 23, 2016, that is, the date of approval of the awards.
- g. Additional compensation in terms of the Section 72 of the 2013 Act as well as interest in terms of Section 80 thereof ought to have been awarded as well.
- h. The State did not file any written objection to the referral application under Section 18 of the LA Act; as such, the evidence adduced by the State cannot be looked into at all, being not supported by pleadings. In support of such

proposition, the land losers cite *Ratanlal Alias Babulal Chunilal Samsuka v. Sundarabai Govardhandas Samsuka (Dead) Through Legal Representatives and Others*, reported at (2018) 11 SCC 119 and *Bachhaj Nahar v. Nilima Mandal and Another*, reported at (2008) 17 SCC 491.

**9.** Upon the above arguments being advanced, the following issues were framed for deciding the earlier appeals:

- (i) Basis of valuation;**
- (ii) Whether compensation should have been granted till the date of the Governor's approval of the award;**
- (iii) Whether the claimant is entitled to get interest on excess compensation in terms of Section 72 of the 2013 Act;**
- (iv) Whether the claimant is entitled to interest under Section 80 of the 2013 Act.**

**10.** The judgment rendered by the co-ordinate Bench in the previous appeals in respect of the above issues is set out verbatim hereinbelow:

***"(i) Basis of valuation***

**21.** *Section 24(1)(a) of the 2013 Act provides that notwithstanding anything contained in the said Act, in case of land acquisition proceedings initiated under the 1894 Act where no award under Section 11 of the 1894 Act has been made, all provisions of the 2013 Act relating to the determination of compensation shall apply.*

- 22.** *It is an admitted position that in the present case, only a notification was issued under Section 4 of the 1894 Act and no award under Section 11 was passed, since the introduction of the 2013 Act intervened, and the compensation was awarded on the basis of the parameters laid down in the 2013 Act. Thus, the premise of calculation has to be in respect of the 2013 Act in terms of Section 24(1)(a) of the said Act, more so since on the date of the award, the 1894 Act stood repealed under Section 114(1) of the 2013 Act.*
- 23.** *The mode of determination of market value of land by Collector has been provided in Section 26 of the 2013 Act. As per sub-section (1) of Section 26, three objective criteria have been laid down in assessing and determining the market value of land.*
- 24.** *The first, contained in Clause (a), is the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area where the land is situated.*
- 25.** *The second yardstick is the average sale price for similar type of land situated in the nearest village or nearest vicinity area, as per Clause (b).*
- 26.** *Clause (c) provides as a third yardstick the consented amount of compensation as agreed upon under Section 2(2) in case of acquisition of lands for private companies or for public-private partnership projects.*
- 27.** *Clause (c) does not apply in the present case at all and the conflict sought to be raised is between Clauses (a) and (b). Whereas the State seeks to rely on the average sale price as provided for in Clause (b), the claimant argues that the market value under Clause (a) is applicable.*
- 28.** *A perusal of Section 26(1) clearly shows that the above three criteria have been disjuncted by the conjunction “or” and, in no uncertain terms, sub-section (1) provides that out of the three criteria, whichever is higher is to be adopted.*

- 29.** *We find from the sale deeds and other documents produced in connection with the matter that the market value is admittedly higher than the sale prices as reflected in the deeds of nearby lands. Thus, it is the market value which is to be considered in terms of Section 26(1) for the purpose of assessment of compensation.*
- 30.** *The State admits that the sale data produced in the court below was not restricted to sale deeds but also contained gift deeds and other nature of documents. Thus, the said documents could not have been a reasonable yardstick for calculation of compensation. The e-assessment slips sought to be produced before this Court were obtained in March, 2012, that is after the date of the notification. We cannot also overlook the fact that the State did not file any written objection/statement in the court below and hence, is precluded from producing evidence in the absence of any pleadings to support the same. The ratio laid down in Ratanlal Alias Babulal Chunilal Samsuka (*supra*) and Bachhaj Nahar (*supra*) is germane in such context.*
- 31.** *It is found from the impugned judgment that although initially the sale deeds produced by the claimant were not exhibited, the Referral Court observed that since the certified copies of such deeds were not objected to by the State, those be exhibited and marked as Exhibits. Thus, the technical objection taken to the marking of the said sale deeds as exhibits on such count must give way to substantive justice, particularly keeping in view the nature of the adjudication. Unlike an ordinary civil suit, where it is for the respective parties to prove their respective cases, in a compensation matter, it is for the Referral Court to assess, on the basis of available documents, fair compensation.*
- 32.** *Going by such yardstick, the market value as mentioned in the sale deeds produced by the claimant could be validly looked into by the Referral Court.*
- 33.** *However, the State has raised a valid objection as to two out of the said deeds pertaining to a period after the notification and, as*

such, we keep those deeds beyond our consideration. Going by the three remaining pre-notification sale deeds of the contemporaneous period, we find that the highest market value among the same is Rs.6,02,500/- per Cottah, as enumerated in Deed No.05821. It has been consistently held by the Supreme Court and different High Courts that while calculating compensation in respect of land acquisition, the comparable deed showing highest valuation should be taken into consideration. The said proposition is reflected in the judgments of Sri Ram M. Vijayalakshmamma Rao Bahadur Ranee of Vuyyur (*supra*), Meherawal Khewaji Trust (Registered), Faridkot (*supra*), Himmat Singh and Others (*supra*) as well as Anjani Molu Dessai (*supra*) cited by the claimant. It is a well-settled position of law that the highest exemplar is to be taken as the basis for calculation of compensation.

- 34.** The only other question left to be decided is whether the market value shown in the highest exemplar in the present case is absurdly disproportionate with that as indicated in the other deeds.
- 35.** On a perusal of the three pre-notification deeds produced by the claimant in the court below, we find that the respective market values mentioned therein are Rs.5,03,472/- per cottah in Deed No.01192, Rs.6,02,500/- per cottah in Deed No.05821 and Rs.5,28,333/- per cottah in Deed No.01294. All the said deeds were registered prior to executed prior to the notification dated September 20, 2011.
- 36.** Since the other two deeds produced by the claimant were registered on September 23 and September 30, 2011, those are kept outside the zone of consideration.
- 37.** Going by the above, the highest exemplar stipulated the market value per cottah at Rs.6,02,500/-, which is not absurdly higher than the market value reflected in the other two pre-notification deeds. Thus, we cannot find substance in the contention of the State that the highest exemplar carried an absurdly high figure.

**38.** *Both the State and the Referral Court proceeded on the wrong premise of taking the average of sale deeds, since Clause (b) of Section 26(1) does not come into play at all. The Referral Court acted in a perverse manner in making an arithmetically wrong calculation of the average of the sale deeds as well. More importantly, it restricted the calculation of compensation to the market value mentioned in the pleadings of the claimant without considering the deeds, which goes against the grain of the settled law in that regard. As mentioned earlier, in cases of compensation, the Referral Court is not limited to the pleadings but has, for itself, to assess compensation independently on the basis of Section 26 of the 2013 Act.*

**39.** *The next sub-question which falls for consideration under the broad issue of the basis of valuation is whether Deed No.05821 can be taken into consideration, since the subject-land had a structure standing on it, whereas the acquired properties had none.*

**40.** *Exploring the arguments of the parties on the said issue, we find that the State, in Page 3 of its written notes of arguments filed before this Court, has taken a stand that the lands covered by the three pre-notification deeds had structures of 100 Sq. Ft. R.T. Sheds. Even as per the State, the value of the R.T. Sheds should be deducted from the valuation of the land. The State has contended that after such deduction, in respect of the first two deeds, the actual value comes to Rs.1,48,706/- per cottah. The said two deeds, even as per the State, contain the respective values of Rs.1,76,944/- and Rs.1,98,662/- per cottah.*

**41.** *For arriving at the actual value of the said two deeds as per the State's version, that is, Rs.1,48,706/-, the valuation of the R.T. Sheds were deducted. Thus, the valuation attributed to the R.T. Sheds in respect of the two properties by the State can be arrived at if we deduct the alleged actual value from the value shown in the deeds. Upon such simple arithmetical calculation, we find that*

*in respect of the two plots, the structures have been evaluated by the State respectively at Rs.49,956/- and Rs.28,238/-.*

- 42.** *The claimant seeks to produce before this Court, by way of additional evidence, documents which pertain to answers to his RTI queries, as per which the valuation of the structures come approximately to Rs.45,000/-. Even if we take the highest value of the structure out of the three valuations, two given by the State and one by the claimant, the highest value of the structure comes to Rs.49,956/-, which is the version of the State itself.*
- 43.** *Hence, even as per the logic of the State, the valuation of the land covered by the highest exemplar can be arrived at by deducting the value of the structure (as furnished by the State itself) from the market value shown in the highest exemplar, that is, Rs.6,02,500/-. Thus, the actual market value of the land, upon deduction of the value of the structure standing thereon, would be Rs.  $(6,02,5000 - 49,956) = 5,52,544/-$  per cottah.*
- 44.** *Thus, as we accept the highest value of the structure as per the State's submission, the Order XLI Rule 27 application of neither of the parties is required to be entertained. The documents sought to be produced by the State as additional evidence, in any event, would be evidence beyond its pleadings, since no written statement/objection was filed by the State in the reference. Even otherwise, no satisfactory explanation as to why such documents could not be produced in the Referral Court by exercise of due diligence has been furnished.*
- 45.** *In view of the above discussions, we come to the conclusion that the compensation for the land should be in terms of the market value of the highest exemplar, minus the value of the structure standing thereon, which comes to Rs.5,52,544/-.*
- 46.** *Two other factors are so to be taken note of. First, the sale deeds, including the highest exemplar produced by the claimant, pertain to the Bhadrakali Mouza (that is, the same Mouza where the acquired lands are situated) and, as per the definition given in Section 2(13) of the West Bengal Panchayat Act, 1973, a "Mouza"*

*is the smallest unit of land. Hence, the land covered by the said sale deed comes within the purview of Section 26(1)(a) of the 2013 which contemplates, as a parameter of assessment of compensation, the market value for the registration of sale deeds in the area where the land is situated.*

***(ii) Whether compensation should have been granted till the date of the Governor's approval of the award***

- 47.** *To ascertain the validity of the claimant's argument that it is not the date of the actual award but that when the Governor gave approval to the award which is to be considered to be the relevant date up to which compensation should be granted, we are to compare certain provisions of the 1894 and 2013 Acts respectively. In this context, it is important to keep in mind that in terms of Section 114, read with Section 24(1)(a) of the 2013 Act, since no award was made under Section 11 of the 1894 Act but the acquisition proceeding was initiated under Section 4 of the 1894 Act, the provisions of the 2013 Act relating to the determination of compensation shall apply in its entirety, despite the basis for calculation of compensation being the market value as on the date of the notification dated November 20, 2011 issued under Section 4 of the 1894 Act.*
- 48.** *Section 12 of the 1894 Act provides that the award of the Collector shall be final and binding when it is filed in the Collector's Office. The corresponding provision in the 2013 Act is Section 37, which are rather similar to Section 12 of the 1894 Act.*
- 49.** *However, these provisions are respectively circumscribed by Section 11 of the 1894 Act and Section 23 of the 2013 Act, which roughly correspond with each other. A marked difference, however, between the two can be found in the context of the present arguments of the claimant. Whereas the first proviso to Section 11(1) of 1894 Act stipulates that no award shall be made*

*by the Collector under the said sub-section without the previous approval of the appropriate Government or of such other Officer as the appropriate Government may authorize in this behalf, there is no similar corresponding provision in Section 23 of the 2013 Act.*

- 50.** *The latter Section stipulates that the Collector shall proceed to enquire into the objections and shall make an award under his hand, without any further requirement of approval by the Government (as expressed through the Governor).*
- 51.** *Hence, whereas the mandate of the 1894 Act is that, for an award to be made, the same is to be approved first by the appropriate Government (which will is generally expressed through the Governor in such cases), there is complete absence of such restriction in the 2013 Act as per which the award becomes final on the date of its passing.*
- 52.** *Reverting back to Section 24(1)(a) of the 2013 Act, which is applicable in the instant case, all provisions of the 2013 Act relating to the determination of compensation shall apply. Thus, although the reference was construed to be under Section 18 of the 1894 Act by an order of this Court, since no Rules under the 2013 Act had yet been framed at that stage, the assessment of compensation was to be in terms of the 2013 Act as per Section 24 (1) (a) of the 2013 Act; as such, all provisions of the 2013 Act relating to the determination of compensation, including Section 23, read with Section 37, of the said Act are applicable in the instant case.*
- 53.** *Thus, it is abundantly clear that whereas the 1894 Act imposes a fetter in the shape of prior approval by the Government for an award to be made, the unbridled provisions of the 2013 Act, which is applicable to the present case, do away with such restriction for an award to be passed.*
- 54.** *Hence, the argument of the claimant to the effect that the compensation should have been granted till the date of the Governor's assent cannot be accepted, as no such assent was*

*required in the first place for making the present award of compensation, which was passed in terms of the 2013 Act.*

**55.** *Thus, we decide this issue in the negative and come to the conclusion that the date up to which compensation is to be awarded is the actual date of passing of the award that is July 30, 2015.*

***(iii) Whether the claimant is entitled to get interest on excess compensation in terms of Section 72 of the 2013 Act***

**56.** *Section 72 provides that if the sum, which in the opinion of the Referral Authority the Collector ought to have awarded, is in excess of the sum which the Collector awards, the said award of the Referral Authority may direct that the Collector shall pay interest on the excess amount at the rate of 9% per annum from the date on which he took possession of the land to the date of payment of such excess to the Authority.*

**57.** *The proviso to Section 72 of the 2013 Act stipulates that where such excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date of possession, interest at the rate of 15% per annum is payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid to the Authority before the date of such expiry.*

**58.** *It is relevant to note that both the 1894 Act and the 2013 Act contemplate possession to be taken after notice. As such, there is no material difference between the two Acts regarding applicability of the principle underlying Section 72 of the 2013 Act insofar as the relevant date being the date of possession. Although the expression “may” has been used in Section 72, we do not find any conceivable reason as to why the claimant in the present case should be deprived of such interest, upon ascertainment of the date on which possession was taken from the claimant. The date of possession has not been mentioned clearly in the award. Thus,*

*it is for the Referral Court to ascertain such date from the evidence and materials available on record and to grant such interest as mentioned in Section 72 to the claimant.*

**59.** *Thus, this issue is decided in principle in the positive, in favour of the claimant.*

***(iv) Whether the claimant is entitled to interest under Section 80 of the 2013 Act.***

**60.** *By the same logic as above, concerning the grant of interest under Section 72, the Collector as well as the Referral Court was duty-bound to direct payment of interest on the compensation at the rate of 9% per annum from the time of taking possession until it has been paid or deposited, in the event such compensation was not paid or deposited on or before taking possession of the land. The proviso to Section 80 stipulates that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession was taken, interest at the rate of 15% per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry. These mandates are statutory and no pleading claiming such interest is required to be made by the claimant, either for payment of interest on the excess or the principal compensation. As a necessary corollary of grant of compensation, the referral Court ought to have looked into the said issues and granted such interest, if payable to the claimant. Hence, the entitlement of the claimant to get the interest stipulated in Section 80 of the 2013 Act is in principle decided in the positive, in favour of the claimant.*

**61.** *We find from the above discussions that the learned Referral Court did not advert to the above questions at all or applied erroneous legal principles and followed invalid legal yardsticks in coming to its conclusions while passing the impugned award.”*

- 11.** The previous appeals were allowed in part in terms of the above observations. As discussed above, since the present appeals arise from the self-same acquisition proceeding and the arguments advanced in the previous appeals, bearing FAT No. 516 of 2019 and FAT No. 3 of 2019, have been adopted by the parties in the present appeals as well, the present appeals are also disposed of in terms of the judgment passed therein in the following manner:
- 12.** FAT No. 266 of 2020 with FAT No. 272 of 2020, FAT No. 267 of 2020 with FAT No. 277 of 2020, FAT No. 550 of 2019 (FA No. 228 of 2022) with FAT No. 140 of 2020 (FA No. 41 of 2021), FAT No. 268 of 2020 with FA No. 72 of 2022, COT No. 178 of 2025 with FAT No. 273 of 2020, FA No. 70 of 2022, COT No. 177 of 2025 with FAT No. 274 of 2020 (FA No. 200 of 2025), FAT No. 275 of 2020 with FAT No. 145 of 2021 (FA No. 377 of 2025) are allowed in part, thereby setting aside the judgment and respective awards dated September 20, 2018, passed by the learned Additional District Judge, First Court at Hooghly Sadar, District – Hooghly in the connected Land Acquisition cases and remanding the matter to the Referral Court for adjudication on the following points:

  - (i) The compensation of the acquired lands of the land losers in each of the appeals/cross-objections is fixed at Rs.5,52,544/- per Cottah;

- (ii) The solatium of one hundred per cent of the compensation amount, as stipulated in Section 30 of the 2013 Act, shall be calculated by the Referral Court on the basis of the above compensation and awarded to the land losers in each of the cases;
- (iii) The Referral Court shall also award interest at the rate of 12% per annum on the market value as mentioned above in terms of sub-section (3) of Section 30 of the 2013 Act.
- (iv) The Referral Court shall grant an opportunity to both sides to adduce evidence, if they so choose, on the limited question of the date of possession and as to whether the parameters of Section 72 and Section 80 of the 2013 Act are satisfied in the present case. In the event the parties or either of them choose not to adduce evidence or the evidence is not satisfactory, it will be open to the Referral Court to look into the relevant materials and/or to call for the necessary records from the appropriate authorities for ascertaining the relevant factual parameters and, upon such exercise, if it is found that the land losers are otherwise entitled to the additional interest and/or interest as contemplated in Section 72 and/or Section 80 of the 2013 Act, the Referral Court shall award such additional compensation and/or interest to the land losers entitled to the same in terms of the said Sections.

**13.** There will be no order as to costs.

- 14.** The interim applications filed in connection with the above appeals are also disposed of in the light of the above observations.
- 15.** As per the submission of learned counsel appearing for the land losers, the awarded amounts were deposited in connection with the appeals by the appellant/State with the learned Registrar General of this Court, out of which a part has been withdrawn by the land losers. Since the compensation awarded by us would exceed the awarded amounts in each of the appeals, we direct the balance of the deposited amounts in each of the appeals, after deduction of the amounts already withdrawn, if any, along with interest accrued thereon, to be disbursed by the learned Registrar General in favour of the land losers in each of the appeals/cross-objections, as and when so approached by them, after deduction of statutory charges. The entire amounts so withdrawn by the land losers shall be adjusted with the amounts which would be awarded by the Referral Court post-remand.

**(Sabyasachi Bhattacharyya, J.)**

I agree.

**(Supratim Bhattacharya, J.)**