IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 4 of 2014

Central Coalfields Limited, through its C.M.D., Darbhanga House, P.O.- GPO, Ranchi, P.S.- Kotwali, Ranchi through its General Manager (L&R) S.N. Singh, S/o Late R. Ranjeet Singh, R/o Jawahar Nagar Colony, P.O.- Kanke, P.S.- Gonda, District- Ranchi

… … Opposite Party/Appellant

Versus

1. Ram Nandan Prasad S/o Madho Prasad **(Substituted v/o dated 17.07.2023)**
1(a). Umesh Kumar Gupta
1(b). Dinesh Kumar
1(c). Mukesh Gupta
1(d). Ramesh Kumar
All S/o Late Ram Nandan Prasad

2. Jadu Nandan Prasad S/o Madho Prasad **(Substituted v/o dated 17.07.2023)**
2(a). Santosh Kumar Gupta, S/o Late Jadu Nandan Prasad Gupta @ Yadu Nandan Prasad Gupta,
All residents of Bara Bazar, Mohalla- Bara Bazar, P.O. + P.S. + District- Hazaribagh- 825301

… … Applicants/Respondents

3. Deputy Commissioner, P.O. & P.S.- Hazaribagh, District- Hazaribagh

… … Opposite Party/Proforma Respondent

With

F.A. No. 5 of 2014

Union of India through Chief of Revenue, Central Coalfields Limited, through its C.M.D., Darbhanga House, P.O.- GPO, Ranchi, P.S.- Kotwali, Ranchi through its General Manager (L&R) S.N. Singh, S/o Late R. Ranjeet Singh, R/o Jawahar Nagar Colony, P.O.- Kanke, P.S.- Gonda, District- Ranchi

… … Opposite Party/Appellant

Versus

1. Soharai Manjhi
2. Lakhan Manjhi
Both sons of Late Dinu Manjhi, residents of Village- Pindra, P.O. & P.S.- Mandu, District- Hazaribagh

… … Applicants/Respondents

3. Deputy Commissioner, P.O. & P.S.- Hazaribagh, District- Hazaribagh

… … Opposite Party/Proforma Respondent

With

F.A. No. 6 of 2014

Union of India through Chief of Revenue, Central Coalfields Limited, through its C.M.D., Darbhanga House, P.O.- GPO, Ranchi, P.S.- Kotwali, Ranchi through its General Manager (L&R) S.N. Singh, S/o Late R. Ranjeet Singh, r/o Jawahar Nagar Colony, P.O.- Kanke, P.S.- Gonda, District- Ranchi

… … Opposite Party/Appellant

Versus

1. Chandmuni Devi, W/o Late Lodha Manjhi
2. Mahalal Manjhi @ Mahadeo Manjhi, S/o Late Lodha Manjhi
(Respondent Nos. 1 & 2 deleted and substituted vide order dated 12.12.2025)

1. Govind Marandi, S/o Late Mahalal Manjhi, resident of Village- Pindra, P.O. & P.S.- Mandu, District- Hazaribagh

… … **Applicant/Respondent**

2. Deputy Commissioner, P.O. & P.S.- Hazaribagh, District- Hazaribagh

… … **Opposite Party/Proforma Respondent**

With

F.A. No. 7 of 2014

Union of India through Chief of Revenue, Central Coalfields Limited, through its C.M.D., Darbhanga House, P.O.- GPO, Ranchi, P.S.- Kotwali, Ranchi through its General Manager (L&R) S.N. Singh, S/o Late R. Ranjeet Singh, r/o Jawahar Nagar Colony, P.O.- Kanke, P.S.- Gonda, District- Ranchi

… … **Opposite Party/Appellant**

Versus

1. Parwati Devi, W/o Jharilal Manjhi, resident of Village- Pindra, P.O. & P.S.- Mandu, District- Hazaribagh

… … **Applicant/Respondent**

2. Deputy Commissioner, P.O. & P.S.- Hazaribagh, District- Hazaribagh

… … **Opposite Party/Proforma Respondent**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants	: Mr. A.K. Das, Advocate
	: Ms. Swati Shalini, Advocate
	: Mr. Kanishka Deo, Advocate
	(In all cases)
For contesting respondents	: Mr. P.P.N. Roy, Senior Advocate
	: Ms. Sakshi Charu, Advocate
	: Miss Kavita Kumari, Advocate
	(In F.A. No. 4 & 5 of 2014)
	: Mr. Sahdeo Mahto, Advocate
	(In F.A. No. 6 of 2014)
	: Mr. B.R. Rochan, Advocate
	(F.A. No. 7 of 2014)

C.A.V. On 05.02.2026 **Pronounced on 19.05.2026**

1. All the four first appeals have been filed under section 20(1) of the ***Coal Bearing Areas (Acquisition & Development) Act, 1957 (hereinafter referred to as the Act)*** against the common Judgement dated 30.05.2013 passed by the learned A.J.C.-I-cum- Tribunal under the Coal Bearing Areas (A & D), Ranchi in ***Reference Case Nos.***

01/1996**, **48/1995, 50/1995, 51/1995 and 49/1995. The connected appeals are as under: -

First Appeal	Name of Claimants	Reference Case No.
FA No. 4/2014	Ram Nandan Prasad	01/1996
FA No. 5/2014	Soharai Manjhi & Anr	48/1995
FA No. 6/2014	Hopna Manjhi	50/1995
	Chand Muni Devi & Ors	51/1995
FA No. 7/2014	Parwati Devi	49/1995

2. The acquired lands involved in these cases are relating to ***khata no. 4 and 6 in Mouza- Pindra, Thana- Mandu, District- Hazaribag*** and compensation for acquired land has been fixed the prevailing market price at flat rate of Rs. 600/- per decimal; solatium @ 30%; escalation @ 12% for the period from the date of publication of notification under Section 4(1) of the of the aforesaid Act to under Section 9 of the Act; interest @ 9 % for the first year and 15% per year for rest of the period on the enhanced amount of compensation and directed the appellant to pay the balance of the compensation amount within three months from the date of the order and disposed of the reference cases on contest.

3. The common appellant in all these appeals is the acquirer of land (CCL) challenging enhancement of the rate of compensation of acquired land of same village under the common Notification dated 13.01.1981 issued under Section 4 of the Act for prospects of coal therein.

4. The Notification under Section 7(1) of the Act was published on 28.04.1982 and the Notification under Section 9 of the Act was published on 01.10.1983. The aforesaid lands having different plot numbers of Khata No. 4 and 6 of Village- Pindra alongwith trees standing thereon were acquired in respect to the reference cases.

5. After acquisition of the lands, the claimants received their respective compensation amounts under protest and thereafter, they filed petitions under Section 17(2) of the Act for payment of higher compensation, which were registered as aforesaid Reference Cases. The claimants claimed higher compensation for land and also the trees.

6. The learned Tribunal under the Coal Bearing Areas (A & D), Ranchi framed the following points for determination:

(1) Is the compensation awarded to the claimants is according to market value of the land prevailing at the time of notification U/s 4(1) of the said Act?

(2) Are the claimants entitled to claim enhanced compensation in respect of the land under acquisition-in-question?

(3) Are the claimants entitled to claim solatium, escalation amount and interest at the prescribed rate on the market value of the land as claimed?

7. The learned Tribunal took Point Nos. (1) & (2) together for decision and recorded that the value of the tress has been assessed on the rate assessed by the forest department. The learned Tribunal recorded the admitted facts of the case.

8. The learned tribunal discussed the evidence of the witnesses adduced on behalf of the claimants at Para-10 which reads as under:

> *"**10.** In light of above admitted facts, I would like to discuss evidence adduced by the parties. Applicant Witness No.1 states that CCL has given very less compensation though it requires Rs.3,500/- per decimal. Further he states that said land is well developed land. Similarly, Applicant Witness No.2 states that it is developed land and it is having value @ Rs.3,500/- per decimal. Applicant Witness No.3 and 4 have also corroborated same facts. Applicant Witness No.5 states that this case has been filed for enhanced compensation, but during evidence he has not disclosed the rate of compensation. Applicant Witness No.6 states that appropriate compensation will be @ Rs.6,000/- per decimal. Same fact has been corroborated by Applicant Witness No.7. In Refence Case No.1/1996, the applicant himself has been examined as Witness No.1. He stated that acquired land is well developed land which is adjacent to collieries and its compensation has been paid very less, which is required to be enhanced @ Rs.10,000/- per decimal. He has also given description of the trees standing thereon at the time of acquisition and income to be derived from it."*

9. The learned tribunal discussed the evidence of the witnesses adduced on behalf of Union of India at Para-11 which reads as under:

> *"**11.** On the other hand, four witnesses have been examined by the O.P. in these cases. who are common. O.P.W.-1 states that the rate of compensation was fixed by the specialists who have fixed it after assessment and inspection of the land and rate of the trees was also*

fixed as per fixed rate of government. Further he states that as per rate available at district registry office, rate of compensation was fixed according to the Act and acquired lands falls under the Coal Minig Area. On identification of this witness, notification U/s. 9(1), 4(1) and 7(1) of the Act have been marked Exhibit- A, A/1 and A/2 respectively. At Para-21, he states that all these fields are under West Bokaro Coal field Area which is running since 1974. O.P.W.-2 has corroborated above evidence of O.P.W-1 and he states as Para-5 that apart from appropriate compensation, service (job) has also been given to the claimants and their claim is wrong. Same fact has also been stated by O.P.W.-3 and he has corroborated evidence of O.P.W.-1. O.P.W.-4 has brought the case record of all these five Reference cases which have been marked Exhibit-B series. During cross-examination at Para-10, he states that the land of Village- Pindra is under West Bokaro Coal field. At Para-12, he states that acquisition was made for mining of the Coal."

10. The learned tribunal discussed the exhibits adduced on behalf of the parties at Para-12, 13 and 14 which reads as under:

*"**12.** As documentary evidence, photo copy of the true copy of the judgment dated 31.03.95 passed by the Hon'ble Court in respect to the Appeal No.18-47/1993 (R) in which compensation of the land of village Laiyo was under consideration has been filed which has been marked Exhibit-1. In that very case, tribunal has enhanced the rate of compensation @ Rs. 1200/- per decimal which was reduced by the Hon'ble Court after considering all evidence and it was fixed at the rate of Rs.600/- per decimal as flat rate related to all acquired lands of the Village- Laiyo without any classification and said rate is inclusive of the rate of the trees standing on those lands. Exhibit-1/A is the photo copy of certified copy of the judgment passed by the tribunal on 01.03.94 under the Coal Bearing Areas Act in respect to 16 reference cases related to the lands of village-Parej and Daru Kashmar and after considering all the evidence including sale deeds produced before the tribunal, flat rate of Rs.72,700/- per acre was granted by enhancement of the compensation awarded in respect to acquired land. Ext-2 is photo copy of map of Mandu Anchal which shows that village-Pindra is in the vicinity of the village-Parej and Daru Kashmar.*

***13.** It is very much clear from Ext-1/A that in respect to the land of Village- Parej and Daru Kashmar, rate was enhanced by the tribunal and fixed @ Rs.72,700/-per acre. Same rate was also fixed by the tribunal in judgment and award dated 3.9.92 passed in Reference Cases No.57 to 88 of 1989 in respect to the land related to Village- Laiyo and it has been reduced by the Hon'ble High Court @ Rs.600/- per decimal vide Ext-1. However, there is no any evidence to show that Ext-1/A has been challenged before the Hon'ble High Court and it has got its finality.*

> ***14.*** *Though in this case, no any sale deed has been brought into evidence by any of the party to prove the prevailing market rate in the locality, but on the basis of Ext-1, I am of the opinion that rate fixed by the O.P. in respect to Village- Laiyo was not adequate and in accordance with prevailing market rate. In that very case related to Exhibit-1, several sale deeds were produced by the claimants and all were considered by the Hon'ble Court. On the basis of evidence available on that very record, flat rate was fixed @ Rs.600/- per decimal. Exhibit-A-series are the notifications U/s. 4, 7 and 9 of the Act. Exhibit-B-series are the case records of claimants; Exhibit-C is record related to fixation of compensation and Exhibit-D is the record related to fixation of rate of compensation of Village- Pindra.*

11. The learned Tribunal decided the Point Nos. (1) & (2) in favour of the claimants, except in respect of their claim for higher compensation for the trees, and against the Union of India, vide findings at Para- 16 as under:

> ***16.*** *In light of above discussion, both these points are decided in favour of the claimants, except in respect of their claim for higher compensation of the trees and against O.P. Accordingly, rate of compensation is being fixed at the rate of Rs.600/- per decimal in respect to acquired land."*

12. The learned Tribunal considered Point No.3 with regard to the issue of payment of solatium, interest and escalation on compensation at Para-17, which reads as under:

> *"**17. Point No.3:-** In respect to this point, I would like to mention here that it is admitted fact that solatium @ 30%, escalation @12% per annum for the period from the date of publication of notification U/s 4(1) of the Act to U/s 9 of the Act and interest @ 9% per year for first year and 15% for the remaining period on assessed amount of compensation by the OP has already been granted, as it is apparent from the documentary evidence produced by the OP. Therefore, it is admitted fact of the O.P. which cannot be taken away in any view of the matter. Hence, I am of the view that claimants are also entitled to solatium @ 30%, escalation @ 12% per annum for the period from the date of publication of notification U/s 4(1) of the Act to U/s 9 of the Act and interest @ 9% per year for first year and 15% for the remaining period on the enhanced compensation amount also. Accordingly, this point is also being decided in favour of the claimants and against the O.P."*

13. Accordingly, the learned Tribunal determined and fixed the prevailing market price of the acquired lands @ Rs.600/- per decimal and further observed that solatium @ 30%, escalation @12% per annum for the period from the date of publication of notification U/s 4(1) of the Act to U/s 9 of the Act and interest @ 9% per year for first year and 15% for the remaining period on assessed amount of compensation by the OP has already been granted, and also held that claimants are also entitled to solatium @ 30%, escalation @ 12% per annum for the period from the date of publication of notification U/s 4(1) of the Act to U/s 9 of the Act and interest @ 9% per year for first year and 15% for the remaining period on the enhanced compensation amount also.

14. The **enhancement** of compensation of land was primarily on the basis of Exhibit-1, the judgment dated 31.03.95 passed by this Court in respect to the Appeal No.18-47/1993 (R) in which compensation of the land of ***village Laiyo*** acquired through the same notification where the enhancement of compensation at flat rate of Rs. 1200/- per decimal was reduced to flat rate of Rs.600/- per decimal without any classification. The learned tribunal referred to Exhibit-1/A also which is the judgment passed by the tribunal on 01.03.94 related to the lands of ***village-Parej and Daru Kashmar*** which were also acquired by the same notification where the tribunal enhanced the compensation at flat rate of Rs.72,700/- but refused to rely upon the same as it was not clear as to whether the same was subject matter of challenge in the High Court inspite of recording that as per Exhibit-2 (map of Mandu Anchal) village-Pindra is in the vicinity of the village-Parej and Daru Kashmar.

<u>Submissions on behalf of the appellants</u>

15. The learned counsel for the appellants submitted that the claimants had challenged the assessment of compensation made by the competent authority before the learned court and therefore the burden of proof that the compensation was not as per law was upon them. The claimants did not produce any material with respect to the acquisition of land/sale of land in the same village and mere statement that the compensation was inadequate was not sufficient. The learned court was not justified in interfering with the quantum of compensation fixed by the competent authority. The learned counsel has relied upon the judgment passed by the Hon'ble Supreme Court reported in ***(2013) 14 SCC 50 (Ramlal Deochand Sah vs. State of Maharashtra)*** Paragraph-

9. The learned counsel has also relied upon Section 101, 102 and 103 of the Evidence Act to submit that the burden is upon the person who approaches the court and the burden having not been discharged by the claimants, the interference in the quantum of compensation was wholly uncalled for.

16. The learned counsel has also referred to the judgment passed in ***Civil Appeal No.2732 of 2022 (Ramrao Shankar Tapase versus Maharashtra Industrial Development Corporation and Others)*** reported in ***(2022) 7 SCC 563*** Para 13 to submit that even for the same locality different market value for different land is required to be determined. The nature of land is also required to be seen while fixing the rate of compensation. The learned counsel has submitted that several villages have been acquired by the same Notification and the learned court has referred to Exhibit-1 which is in relation to another Village- Laiyo and the land involved in Exhibit-1 was not acquired by the same notification. The reliance on Exhibit-1 is not as per law. The learned counsel has also referred to the map to submit that the Village- Laiyo is much away from the acquired land in the present case which is village ‘Pindra’.

17. However, during the course of arguments and from the notification involved in this case, it is apparent that the land of village Pindra, Tapin, Parej, Daru Kashmar and land of some other villages were acquired by the same notification. It also appeared that the learned trial court has also recorded that Village- Parej and Daru Kashmar were adjoining to village ‘Pindra’.

18. The learned counsel for the appellants has submitted that the land of Village- Parej and Daru Kashmar is not adjoining to Pindra. However, during the course of hearing, it transpired that Village- Parej is adjoining to village Tapin and Village- Mansai and Village- Daru Kashmar fall adjoining to Village- Tapin on the other side.

19. The learned counsel also submitted that so far as Exhibit-1/A is concerned, the same was in relation to acquisition of land of village Parej and Daru Kashmar and the compensation as fixed for these villages has been exhibited before the learned court as Exhibit-1/A. He also submitted that the compensation so fixed was the subject matter of consideration by this Court in ***M.A. No.50 of 1995 and analogous cases*** wherein the compensation has been reduced to Rs.600/- per decimal apart from other amounts. The learned counsel submitted that the judgement in M.A. was challenged in ***LPA. No. 02 of 2005 and other analogous case*** and the LPA has also been dismissed. The learned counsel submitted that while disposing of aforesaid ***M.A. No. 50 of 1995,*** the development cost to the extent of 20% was also deducted. The learned counsel submitted that be it village Parej or Daru Kashmar or village Laiyo, ultimately the compensation was fixed @ Rs.600/- per decimal.

20. Apart from the aforesaid submissions, the learned counsel has relied upon the judgment passed by the Hon’ble Supreme Court reported in ***(2009) 15 SCC 769 (Lal Chand versus Union of India and Another)*** Para-22, to submit that the development cost can extend between 20% to 75%. On the point of development cost, the learned counsel has also relied upon the judgment reported in ***(2018) 2 SCC 474 [Maya Devi (Dead) through Legal Representatives and Others versus State of Haryana and Another] Paragraph 8, 9 and 10*** and also judgement passed by this court in ***F.A. No. 71 of 2015 Paragraph 38***. It is submitted that in ***Civil Appeal No. 2732 of 2022*** reported in ***(2022) 7 SCC 563***, the principles of deduction on account of development cost have been mentioned in Paragraph-11. The learned counsel has also relied upon the judgment reported in ***1998 SCC Online Patna 186*** (***Union of India versus Kashinath Mahto***) Paragraph-14 to submit that in the said judgment, the development cost was enhanced to the extent of 40% and the same judgment is related to the same Act under which the land acquisition in the present case has been made.

21. So far as the oral evidence is concerned, it is submitted that nothing much is to be placed except to the extent that P.W.-1 at Para-5 and P.W.-2 at Paragraph-3 have stated that the physical possession of the property involved in these cases was taken only in the year 1996. The learned counsel submitted that even if the interest is found payable, then also, interest would be payable post 1996 and not from the date of acquisition. It has been submitted that the claimant having been in possession till 1996 have enjoyed the property and therefore, they are not entitled to any interest.

22. The learned counsel submits that the payment of interest is governed by the provisions of Land Acquisition Act and has referred to Section 28 and 34 of the Land Acquisition Act to submit that interest is payable only when the possession is taken and compensation is not paid or deposited.

23. The learned counsel has also submitted that the aforesaid provision of payment of interest under Land Acquisition Act, 1894 became applicable to the provisions of Coal Bearing Areas (Acquisition and Development) Act, 1957 [hereinafter referred to as Coal Bearing Act] only where virtue of the notification issued by the central government to maintain parity in the matter of payment of compensation, interest and solatium under both the Acts.

Submissions on behalf of the respondents

24. The learned senior counsel appearing on behalf of the respondents has opposed the prayer and has relied upon the judgment passed by this court in ***F.A. No. 140 of 2016 [Union of India through the Chief Revenue Officer, CCL, Darbhanga House, Ranchi vs. Sitaram Sahu and Another]*** Paragraph- 48 and 49 to submit that in case where no sale deed with respect to the same village is available, the sale deed of adjoining village certainly be taken into consideration and some amount of guess work is permissible in law. The learned counsel submits that the CCL had not produced any sale deed and even the rate chart does not refer to any sale deed. He has also submitted that rate chart Exhibit-D was exhibited at the stage of the argument before the learned court. The learned counsel has submitted that mere rate chart by itself cannot be said to be evidence for the purposes of fixing of compensation. Vide Exhibit-1 and also Exhibit-1/A, same rate of compensation was fixed i.e. @ Rs. 600/- per decimal, and as per the impugned judgment also, the rate of compensation fixed is @ Rs.600/- per decimal. The impugned judgement does not call for any interference particularly when the land involved in Exhibit-1/A and the land involved in the present case were acquired by the same notification and at the same time. The learned counsel has also submitted that the payment of interest and solatium also does not call for any interference and the same is payable from the date of Notification issued under Section 9 of the aforesaid Coal Bearing Act. The learned counsel submits that so far as the circular issued by the central government is concerned, the same also does not refer to the date of physical possession of the property. He has also submitted that as per Section 9, the possession of the property vests with the coal company upon issuance of notification under Section 9 and the coal company acquire the status of a lessee under the aforesaid Coal Bearing Act.

Rejoinder argument on behalf of the appellants

25. In response, the learned counsel for the appellants has submitted that vide order dated 19.06.2018 the learned trial court by a detailed order rejected the claim for additional compensation under Section 23-(1-A) and Section 23(2) of the Land Acquisition Act.

26. The learned counsel submits that the learned trial court has not granted additional compensation but, in the decree, the additional compensation has also been added. He submits that entitlement of additional compensation is also required to be decided.

27. The learned counsel has also referred to the judgment reported in ***2024 SCC Online 1691 [New Okhla Industrial Development Authority v. Harnand Singh (Deceased) through LRs. And Others]*** Paragraph- 14 and 43 to submit that the *circle rate* can also be considered while awarding compensation by making marginal addition. The learned counsel has also relied upon the judgment passed by this court in ***F.A. No. 492 of 2018*** Paragraph- 113 to submit that compensation can also be determined on the circle rate and that would be a basis for guess work for fixing compensation.

28. ***Points for determination in this case are as follows: -***

Whether, the learned tribunal erred in law in awarding additional compensation although no additional compensation has been awarded by the impugned judgement and the claim for additional compensation has been earlier rejected vide order dated 19.06.2018 by the learned trial court under Section 23-(1-A) and Section 23(2) of the Land Acquisition Act?

And

Whether, the learned tribunal erred in awarding interest and it ought to have been awarded from the year 1996 as the claimants have also allegedly deposed that they were dispossessed in 1996?

Whether the impugned judgement enhancing the compensation for acquired land at flat rate of Rs.600/- per decimal call for any interference?

And

Whether the appellants are entitled to deduction on account of development cost with respect to the acquired lands of village Pindra?

Findings of this Court

29. Case of the Claimants

A. The common facts are that same rate of compensation was fixed for the acquired land belonging to the same village and the claimants claimed that the prevailing market rate was Rs.10,000/- per decimal at the time of acquisition of the land and therefore, the claimants received the payments under protest.

B. Further case of the claimants was that the acquired lands were surrounded with many adjacent collieries, like Parej, Laiyo, Baraghatu, Kedela, Toyar, Ara, Saru, Pers, Topa, Tapin, Jharkhand and Rapodh which were nationalized in the year 1973 and since then, industrial activities are going on.

C. The acquired lands are situated beside the Patna-Ranchi National Highway and are connected with pitch road and Shopping Centers, Cinema Hall, Government Hospital, Haat, Market, loading and unloading centers, office of the railway, post office and other official buildings are also situated in the vicinity of the acquired lands and therefore, potentiality and value of the acquired lands is much more developed, but the same has not been considered during assessment of the compensation amount.

D. There are many trees like Mango, Mahua, Guava, Kathal, Saal, etc. which are having market rate @ Rs.500/- per sq. ft., but the same has also not been considered by the acquiring authority.

E. The rate of the said types of land has already been enhanced by the Land Acquisition Officer, Hazaribagh in other cases related to adjacent villages.

30. **<u>Case of the Union of India</u>**

I. The Union of India filed objection petitions / rejoinders in the reference cases denying the claim of the claimants and with common assertions that claim petitions are not maintainable and no detail has been given in the petitions.

II. It was not mentioned in the claim petitions as to how and on what basis the claimants are entitled to enhanced compensation and in absence of the relevant details it was difficult to respond to the claim petitions.

III. The value of the acquired lands has been fixed on the basis of the prevailing market rate of the lands at the time of acquisition, which was assessed by experts and competent officers after obtaining rate from the registry office.

31. The applicants/claimants examined 08 witnesses in support of their case. Applicant Witness No.1 (Jhari Manjhi) is the common witness in Reference Case Nos. 48/1995, 49/1995, 50/1995 and 51/1995. In his examination-in-chief, he deposed that C.C.L. has given very less compensation which should have been Rs.3,500/- per decimal. The C.C.L. has opened mines over the lands. He further stated that electricity, water, road and market are situated near their lands. ***During cross-examination***, he admitted that the lands were measured in his presence. He further admitted at Para-5 that the notification for acquisition of the lands was issued in the year 1980 and their possession was taken in the year 1996. The lands were not *tanr* only. The value of the lands was Rs.3,500/- per decimal in the year 1980 and he has seen the sale deeds of the land but had not brought the same. He further stated at Para-6 that *Haat* was being organized since about 20 years over the government land after establishment of the colliery and there was *Haat* at Pindra as back as in the year 1980 also and all the facilities were available there.

32. Applicant Witness No.2 (Md. Rafique) is the common witness in Reference Case Nos. 48/1995, 49/1995, 50/1995 and 51/1995. In his examination-in-chief**,** he deposed that he knows the acquired lands of Hopna Manjhi and others which is situated adjoining to Parej Bangla where there was mine of Ramgarh Raj since last 40 to 50 years. Village- Pindra is situated at the adjacent like a colony in town. The office of C.C.L. is situated there. The value of the land is Rs.3,500/- per decimal. *Haat* is organized daily here. ***During cross-examination***, he admitted at Para-3 that the notification for acquisition of the land was issued in the year 1980-81 and its possession was taken over in the year 1996. Parvati Devi has been paid compensation of Rs.81,000/- for her land measuring 1 acre and 85 decimals and Chandmuni Devi has also been paid same amount of compensation. He further admitted at Para-4 that colliery is situated adjacent to Village- Pindra having 70-75 houses and all the lands were *Dhani-Bari.* He has not sold any land himself. All the land were open for sale and no land of scheduled tribe can be sold.

33. Applicant Witness No.3 (Parwati Devi) in her examination-in-chief deposed that C.C.L. has acquired 01 acre 85 decimals of her land alongwith the lands of Chandmuni. ***Baluhutu, Tapin and Parej Mouza are situated adjacent to Mouza- Pindra.*** The colliery is running from before. She further deposed that very less compensation has been given for her land. Mahuwa and Sakhuwa trees were also standing over her land. She is entitled to get compensation @ Rs.3,500/-. She used to get the value of mahuwa @ Rs.4,000/- per tree per year. ***During cross-examination,*** she admitted at Para-3 that she has received Rs.81,000/- only. She used to grow paddy, potato, brinjal over her land and the road was situated at a distance of 6-7 hands from her land and well, pond and bari were situated before approaching the road. She stated at Para-5 that the land situated near her land has been sold @ Rs.3,500/- and Lakhan and Chhotka Manjhi had executed sale deed at Hazaribag. She stated at Para-6 that 1,500 Mahuwa trees were standing over her land apart from paddy fields, but she has not received any compensation for the trees.

34. Applicant Witness No.4 (Shanti Devi) in her examination-in-chief deposed that their land has been acquired by the C.C.L., but very less compensation has been paid to them. ***She further deposed that Mouza Parej, Tapin and Baluhutu are situated near Pindra and mines are running for a long period in those mouza.*** The value of those lands would be at least Rs.3,500/- per decimal. She further stated that kamliya, market, office, etc. are situated over her land and road is also situated near the land. 500 old Mahuwa and Sakhuwa trees were standing over her land. Her father had died. Chandmuni is her aunt and her land of similar kind has also been acquired. ***During cross-examination,*** she stated that C.C.L. has acquired 08 acres of her land and she has received compensation for her land, but she has filed the application for enhancing the compensation and she is entitled to get compensation @ Rs.3,500/- per acre.

35. Applicant Witness No.5 (Meena Devi) in her examination-in-chief deposed that her father and uncle had filed application for enhancement of the compensation for the lands and they have died. She further deposed that Mahuwa and Sakhuwa trees were standing over their lands and their value was high. ***During cross-examination,*** she stated that C.C.L. had acquired their lands. They are three sisters and no brother. The names of her sisters are Shoni and Shanti. She is entitled to get the enhanced compensation. She does not know as to how much compensation was paid.

36. Applicant Witness No.6 (Chandmuni) in her examination-in-chief deposed that C.C.L. has acquired her land for Pindra Colliery, but she has received very less compensation with objection. Rs.3,000/- per decimal would be the appropriate compensation. ***During cross-examination***, she stated at Para-2 that the compensation was prepared in her name and she has received Rs.60,000/- and Rs.1,600/-. She further admitted at Para-3 that all the lands were measured in presence of the villagers.

37. Applicant Witness No.7 (Pano Devi) in her examination-in-chief deposed that C.C.L. has acquired her land, but she has received very less compensation after death of her husband, which has been received by her with objection. The compensation for the land should have been at least Rs.3,000/- per decimal. ***During cross-examination***, she admitted at Para-2 that no job has been given in lieu of the land. No agriculture was done over the land, but she used to collect Mahuwa.

38. Applicant Witness No.1 (Ram Nandan Prasad) is sole witness in Reference Case No. 01/1996. In his examination-in-chief, he deposed that his land has been acquired by C.C.L., but he has received very less compensation. The value of his land should have been Rs.10,000/- per decimal. His land is flat and fertile. ***Pindra is situated adjacent to Parej, Ghato, Phugu, Laiyo, etc.*** and all the places are connected to road and have markets, colony, etc. in all the places. There were fruit trees and Sakhuwa trees over his land and he used to sell Mahuwa of Rs.300/- per year @ Rs.2-3/- per Kg. at that time. ***During cross-examination,*** he admitted at Para-4 that he had received compensation amount of Rs.1,93,000/- in the year 1996. He further admitted at Para-6 that Patna-Ranchi Road is situated at a distance of 5 miles from Pindra and he has not filed any sale deed or document in support of the value of his land. There was no industry or trade in his village at the time of acquisition of his land. Maize, corn and paddy were grown over his land.

39. The applicants / claimants exhibited the following documents as documentary evidence:

Exhibit-1	Photocopy of C.C. of Judgment dated 31.03.1995 passed in Appeal arising out of Original Order Nos.18-47/1993(R) relating to payment of compensation of the lands of ***Village- Laiyo,*** P.S.-Mandu, District- Hazaribag
Exhibit-1/A	Photocopy of C.C. of Judgment dated 01.03.1994 passed by the Tribunal under Coal Bearing Areas (A&D) Act in 16 reference cases relating to the lands of ***Village- Parej and Daru Kashmar***
Exhibit-2	Photocopy of map of Mandu Anchal showing Village-Pindra in the vicinity of ***Village- Parej and Daru Kashmar***

40. The Union of India examined 4 witnesses who are common in all the references cases. O.P.W.-1 (Animesh Chandra Acharya) filed his examination-in-chief on affidavit stating that he is working on the post of Assistant Revenue Officer in the office of the Chief General Manager, C.C.L. He further stated that approximately 535.70 acres of land in Mouza- Pindra, Thana- Mandu, District- Hazaribag has been acquired by C.C.L. for coal mining under Section 9(1) of the C.B.A. Act vide Notification No.3687 dated 13.09.1983 by the Government of India, which was published in the Gazette of Government of India on 01.10.1983. The Notification under Section 4(1) for the lands was published by the Ministry of Power, New Delhi vide S.O. No.699 dated 13.01.1981 and the Notification under Section 7(1) for the acquired lands was published by the Ministry of Power, New Delhi vide S.O. No.1785 dated 28.04.1982. He further stated that the current status of the land was assessed by the C.C.L. through appointed experts after spot inspection and the trees and plants standing over the land was assessed and the compensation was determined by the Government on the basis of the prescribed rate and the compensation and the interest on the basis of the payable interest was paid to the claimants. He further stated that the rate for payment of compensation for the raiyati lands was determined under the provisions of C.B.A. Act on the basis of the sale and purchase documents available in the District Registry Office, Hazaribag. Solatium @ 30%, additional compensation @ 12% and interest @ 9 % for the first year under Section 9 of the Act and 15% per year for rest of the period was paid apart from the compensation. The acquired land was totally barren and infertile at the time of acquisition. The acquired land falls under the area of coal mining. He further stated that the claim of payment of less compensation of the claimants is incorrect. He exhibited the Notification No.3687 dated 13.09.1983 under Section 9(1) of the Act as Exhibit-A, Notification No.699 dated 13.01.1981 under Section 4(1) of the Act as Exhibit-A/1 and Notification No.1785 dated 28.04.1982 under Section 7(1) of the Act as Exhibit-A/2. ***During cross-examination***, he admitted at Para-15 that the land owners of Daru Kashmar and Parej have filed cases for payment of appropriate compensation before the same tribunal. He further admitted at Para-16 that he does not know as to whether the Tribunal had determined the compensation @ Rs.72,700/- per acre on

01.03.1995. He does not remember as to whether he had deposed in Case Nos. 1 to 10 of 1994 and Case Nos. 115 to 120 of 1993. He also admitted that he was not a part of the assessment team for the lands of Pindra. He stated that it is not correct to say that Pindra, Daru Kashmar and Parej are adjoining to each other.

41. O.P.W.-2 (Lal Keshwar Mahto) filed his examination-in-chief on affidavit stating that he is working on the post of Assistant Revenue Inspector in the office of the Chief General Manager, C.C.L. He further stated that approximately 535.70 acres of land in Mouza- Pindra, Thana- Mandu, District- Hazaribag has been acquired by C.C.L. for coal mining. He further stated that the then status of the acquired land was assessed by the C.C.L. through appointed experts after spot inspection. He also stated that the rate for payment of compensation for the raiyati lands was determined under the provisions of C.B.A. Act on the basis of the sale and purchase documents available in the District Registry Office, Hazaribag and the compensation alongwith interest, additional interest, solation, etc. was paid as per law. The claimants have been paid appropriate compensation alongwith job and their claim of payment of less compensation is incorrect. As per LCR, order dated 16.09.2011, last chance was given to produce O.P.W.-2 (Lal Keshwar Mahto) for cross-examination, but thereafter ***he never appeared for cross-examination.*** On 28.03.2012, evidence on behalf of Opposite Parties/ CCL/ Union of India was closed and the case was put up on 05.05.2012 for argument.

42. O.P.W.-3 (Bijay Kant Mishra) filed his examination-in-chief on affidavit stating that he is working on the post of Senior Manager in the office of the Chief General Manager, C.C.L. He further stated that approximately 535.70 acres of land in Mouza- Pindra, Thana- Mandu, District- Hazaribag has been acquired by C.C.L. for coal mining. He further stated that the then status of the acquired land was assessed by the C.C.L. through appointed experts after spot inspection. He also stated that the rate for payment of compensation for the raiyati lands was determined under the provisions of C.B.A. Act on the basis of the sale and purchase documents available in the District Registry Office, Hazaribag and the compensation alongwith interest, additional interest, solation, etc. was paid as per law. The claimants have been paid appropriate compensation alongwith job and their claim of payment of less compensation is incorrect. O.P.No.3 ***During cross-examination***, he admitted at Para-6 that ***the lands of Ichakdiha, Parej, Laiyo, Daru Kashmar have also been acquired alongwith Pindra***. He admitted at Para-7 that 535.70 acres of lands of Pindra have been acquired for coal and Kuju Colliery is situated at a distance of 15/20 Kilometres from there and coal is transported everywhere from there. He admitted at Para-8 & 9 that he has no role in determining the value of the lands of Pindra and he does not know who has determined the compensation. He also admitted that Para-10 & 11 that he has not seen any sale deed of the village of the year 1982/83 and he cannot say which sale deed was issued from the registry office. He admitted at Para-12 ***that apart from the acquired lands, the land of Malana, Kedela, Ichakdiha, Laiyo, Katyasi comes under the Bokaro West Colliery. Earlier it was a private colliery and it was nationalised by the Government in the year 1973.*** He said at Para-13 that he does not know that the Hon'ble High Court has determined the compensation for the villages Ichakdiha and Dakapaha as Rs.1,20,000/- per acre. He admitted at Para-14 that the West Bokaro Coal Washery of Tata is situated near the acquired lands. He also admitted at Para-15 that pucca road from Charhi to Laiyo, water, electricity, etc. are available there. He admitted at Para-16 that he is Senior Manager (Mining). He denied the suggestion at Para-17 that the value of the lands has been determined very less.

43. O.P.W.-4 (Sunil Prasad Gupta) who was working in the office of the General Manager, C.C.L filed his examination-in-chief on affidavit stating that the suit lands have been acquired by the C.C.L. by publishing notifications under Sections 4(1), 7(1) and 9(1) of the C.B.A. Act. He exhibited the case records of the acquired lands as under:

Reference Case No.	Case Record No.	Exhibit No.
48/1995	229	Exhibit-B
49/1995	231	Exhibit-B/1
50/1995	231	Exhibit-B/2
51/1995	231	Exhibit-B/3

01/1996	230	Exhibit-B/4

He further stated that Khata, Plot, area, type of land, rate of compensation, interest, additional interest, solatium and other benefits are mentioned in the Compensation Report of the acquired lands. The compensation rate has been determined as per the type of the land which is mentioned in the proposal rate and rate approval document. The compensation has been paid after determining the solatium of the trees. All the provisions and rules have been complied with as per the directions of Ministry of Coal, Government of India while determining the compensation of the claimants. He exhibited the signatures of competent officers of C.C.L. namely, Sri P.K. Sengupta, A.R.O, Sri A.C. Acharya, A.R.O., Sri P.G.P. Nayar, Deputy C.R.O. as Exhibit-C. He further stated that after issuance of the notification under Section 4 of the Act, the revenue karmachari and competent officers of C.C.L. had made spot inspection and enquiry and had made classification of the lands and thereafter, the compensation of the lands was determined on the basis of the contemporary sale deeds and other documents keeping the rules in mind, which is correct and sufficient. He stated that on the days of notifications under Sections 4, 7 and 9, the acquired lands were totally underdeveloped and unproductive. He further stated that the compensation of the acquired lands was determined on the basis of their types, use and the value of the land at the time of the notification. The compensation, interest, additional interest, solatium, etc. have been paid after compliance of all the benefits, which is sufficient and correct. ***During cross-examination***, he admitted at Para-8 that at the time of deposing he was working on the post of Head Surveyor. ***At the time of acquisition of the lands of Village-Pindra lands of Daru Kashmar, Parej were also acquired , which are adjacent villages.*** He replied at Para-9 that he does not know as to whether the land owners of Parej and Daru Kashmar have filed compensation cases and as to whether the learned court has determined the compensation of the lands of Mouza Parej and Daru Kashmar as Rs.72,700/- per acre. He further stated at Para-10 that he has seen the land of Pindra. He also stated at Para-11 that the Government has taken over the private collieries of Ara, Hesagarh, Jharkhand, Kedla, Kuju Laiyo, Pindra, Minba, Sabudera, Deyra, Soyra and Topa, which are adjacent to Tata Colliery. He further admitted at Para-12 that the lands were acquired for excavation and selling of coal and the lands of Pindra were acquired for running mines. Several tons of coal are transported outside from Kuju and Kuju is situated adjacent to Pindra.

44. Accordingly, the Union of India exhibited the following documents as documentary evidence:

Exhibit-A	Notification No.3687 dated 13.09.1983 under Section 9(1) of the Act
Exhibit-A/1	Notification No.699 dated 13.01.1981 under Section 4(1) of the Act
Exhibit-A/2	Notification No.1785 dated 28.04.1982 under Section 7(1) of the Act
Exhibit-B	Case Record of Reference Case No. 48/1995
Exhibit-B/1	Case Record of Reference Case No. 49/1995
Exhibit-B/2	Case Record of Reference Case No. 50/1995
Exhibit-B/3	Case Record of Reference Case No. 51/1995
Exhibit-B/4	Case Record of Reference Case No. 01/1996
Exhibit-C	Signatures of competent officers of C.C.L. in Compensation Report of the acquired lands
Exhibit-D	Record related to fixation of rate of compensation of Village- Pindra

45. This court finds that the following facts are not in dispute which have also been recorded by the learned tribunal: -

a. The learned Tribunal took Point Nos. (1) & (2) together for decision Notification under Section 4(1) of the Act was published in the official Gazette vide S.O. No.699 dated 13.01.1981 through which the lands related to Village-Pindra alongwith lands of other villages were acquired (Exhibit-A/1).

b. The Notification under Section 7(1) of the Act was published vide S.O. No.1785 dated 28.04.1982 (Exhibit-A/2).

c. Notification under Section 9(1) of the Act vide S.O. No. 3687 dated 13.09.1983 was published in the official Gazette of India on 01.10.1983 (Exhibit-A) whereby the lands related to Village- Pindra in respect to the reference cases alongwith other lands were acquired.

d. The lands related to Plot Nos. 3 to 79, 80(Part), 81(Part), 82(Part), 83(Part), 84(Part), 85 (Part), 86(Part), 87(Part) and 104(Part), total area 535.70 acres of Village- Pindra were acquired alongwith trees standing thereon.

e. The rate of lands was fixed according to their classification (Exhibit-D) which are as follow:-

Paddy-I	@ Rs.21,340/- per acre
Paddy-II	@ Rs.13,340/- per acre
Paddy-III	@ Rs.10,670/- per acre
Tanr-I	@ Rs.21,340/- per acre
Tanr-II	@ Rs.5,340/- per acre
Tanr-III	@ Rs.1,340/- per acre
Others	@Rs.670/- per acre

f. In addition to the rates mentioned above, solatium @ 30% on the land value, interest @ 9% for first year and @ 15% for the subsequent years has also been paid to the claimants on the rates as indicated above and additional compensation as escalation @ 12% per annum for the period from the date of publication of notification under Section 4(1) of the Act to under Section 9 of the Act has been awarded on the rate of compensation (Exhibit-C).

g. Right, title and interest of the claimants is not in dispute.

h. All the claimants have received payment of compensation with protest.

46. After having received the compensation with solatium, interest and escalation as mentioned above, as offered under protest, the claimants filed petition seeking enhancement of compensation and impugned judgement and award has been passed. The operative portion of the impugned is quoted as under:-

ORDER

"These Reference cases are hereby disposed of on contest. Prevailing market price of the land under acquisition in question is determined and fixed at the flat rate of Rs.600/- per decimal. Claimants are also entitled to solatium @ 30%, escalation @ 12% for the period from the date of publication of notification U/s 4(1) of the Act to U/s 9 of the Act, interest @ 9% for the first year and 15% per year for rest of the period only on the enhanced amount of compensation. O.P. is

> *directed to pay the balance of the compensation amount within three months from the date of this order. Let award be prepared accordingly."*

Whether, the learned tribunal erred in law in awarding additional compensation although no additional compensation has been awarded by the impugned judgement and the claim for additional compensation has been earlier rejected vide order dated 19.06.2018 by the learned trial court under Section 23-(1-A) and Section 23(2) of the Land Acquisition Act?

And

Whether, the learned tribunal erred in awarding interest and it ought to have been awarded from the year 1996 as the claimants have also allegedly deposed that they were dispossessed in 1996?

47. This court finds that the learned tribunal has determined the compensation of land at flat rate of Rs. 600/- per decimal and so far as solatium, escalation, interest are concerned, the same has been awarded only on differential court consequent upon enhancement of the rate of compensation. The award drawn pursuant to the impugned award reveals that instead of terming the escalation for the period from notification u/s 4 to notification u/s 9 for the period from 13.01.1981 to 13.09.1983 the award has used a wrong terminology terming it has additional compensation although admittedly the impugned judgement does not allow additional compensation. Further, this Court also finds that there is no separate calculation for escalation on differential amount as directed by the impugned judgement. In the aforesaid view of the matter, the argument of the learned counsel for the appellants that additional compensation has been paid although there is no direction to pay additional compensation. The terminology used while preparation of the award, additional compensation on differential amount instead of escalation on differential amount has no bearing in the matter. Wrong use of terminology in the award having no impact on the awarded amount has no bearing in the matter. The term additional compensation on differential amount in the award it to be taken as escalation amount on differential amount. The fact that the claimants are entitled to escalation on differential amount is not in dispute.

48. Further, in the judgement passed by this court reported in ***2005 SCC OnLine Jhar 44: (2005) 1 JLJR 439 (Union of India v. Harla Devi), paragraph 16 it has been held by referring to*** the letter No. 43026-88-LSW, dated 12.5.89 of the Government of India, Deptt. of Coal, -Ministry of Energy, addressed to the Chairman, Coal India Ltd. that it contains a decision in respect of payment of solatium, interest and additional compensation. It has been held in the said judgement that so far payment of solatium and interest at the enhanced rates is concerned, the same is without any 'ifs' or 'but' and are made admissible in respect of all acquisition made under the C.B.A. Act. But so far payment of additional compensation at the rate of 12 per cent per annum is concerned, the same would be admissible in cases of acquisitions made under the C.B.A. Act, only where the notification under Section 9(1) of the said Act, has been issued on or after 30.4.82. As regards payment of the solatium and interest it has been observed as follows:

> *(a) Solatium, in addition to market value of the land at the rate of 30 per cent of the market value for all acquisitions made under the C.B.A. Act.*
> *(b) An interest at the rate of 9 per cent per annum for the first year and 15 per cent per annum for the subsequent years on the amount of compensation, including solatium, so calculated for payment of the land owner.*

49. In the present cases notification under section 9 (1) has been issued after 30.04.1982 and hence the additional compensation by way of escalation is payable @ 12% per annum which has been included in the impugned judgement and award. The impugned judgement uses the term escalation and the award uses the term additional compensation but there is no difference in the calculation @ 12% per annum. Further, perusal of order dated 19.06.2018 passed by the learned court during the pendency of these appeals reveals that it has been observed that the matters are pending before this court and the point may be raised before this court.

50. Upon going through the aforesaid judgement reported in ***2005 SCC OnLine Jhar 44: (2005) 1 JLJR 439 (Union of India v. Harla***

Devi), paragraph 16, there is no doubt that the claimants are entitled to solatium, interest and also additional compensation as awarded by the learned court but the term escalation has been used in the impugned judgement and work additional compensation has been used in the award making no difference in calculation.

51. ***The aforesaid point regarding additional compensation/ escalation is accordingly decided against the appellant and in favour of the claimants.***

52. This Court finds that it is not in dispute that even the appellants, while paying compensation to the claimants prior to reference, which the claimants received under protest, additionally paid solatium @ 30% on the land value, interest @ 9% for first year and @ 15% for the subsequent years to the claimants and additional compensation as escalation @ 12% per annum for the period from the date of publication of notification under Section 4(1) of the Act to under Section 9 of the Act has been paid on the rate of compensation assessed for the land at their end. The learned tribunal by the impugned judgement has awarded solatium @ 30% on the land value, interest @ 9% for first year and @ 15% for the subsequent years to the claimants and escalation @ 12% per annum for the period from the date of publication of notification under Section 4(1) of the Act to under Section 9 of the Act only on the differential amount arising out of the enhanced rate of Compensation Rs.600/- per decimal. In their entire written statement filed before the learned tribunal, it was not their case that they have wrongly paid solatium @ 30% on the land value, interest @ 9% for first year and @ 15% for the subsequent years to the claimants and additional compensation as escalation @ 12% per annum for the period from the date of publication of notification under Section 4(1) of the Act to under Section 9 of the Act and thus, it was not their case that even the interest already calculated and paid prior to reference suffered from any illegality with reference to the date of dispossession of the claimants. The learned tribunal has simply enhanced the rate of compensation for the land and did not interfere with any other component except that solatium, escalation and interest have to be paid also on differential amount for compensation of land. Once the payment of solatium, escalation and interest has been accepted and paid prior to reference, it is not open to the appellant to contend, without any foundational pleadings, that the claimants having been dispossessed in the year 1996 the interest etc has to be paid from 1996 only.

53. This is over and above the letter no. 43026-88-LSW, dated 12.05.89 of the Government of India, Deptt. of Coal, Ministry of Energy, addressed to the Chairman, Coal India Ltd. that a decision has been taken in respect of payment of solatium, interest and additional compensation and it has been held in the aforesaid judgement that so far payment of solatium and interest at the enhanced rates is concerned, the same is without any 'ifs' or 'but' and are made admissible in respect of all acquisition made under the C.B.A. Act. But, so far payment of additional compensation at the rate of 12 per cent per annum is concerned, the same would be admissible in cases of acquisitions made under the C.B.A. Act, only where the notification under Section 9(1) of the said Act, has been issued on or after 30.4.82.

54. The award of interest, solatium and escalation/additional compensation is in accordance with the aforesaid judgement read with the circular issued by the central government in the year 1989 as discussed and held in the aforesaid judgement reported in ***2005 SCC OnLine Jhar 44: (2005) 1 JLJR 439 (Union of India v. Harla Devi).***

55. Moreover, the parties also did not join issues with respect to the date of dispossession of the claimants. The parties contested the case on the rate of compensation for acquired land and trees, the compensation for land was enhanced on the basis of materials placed on record and there was no enhancement with respect to compensation for the trees and as a natural corollary to enhancement in the rate of land the claimants were entitled to solatium, escalation and interest on the differential amount as has been directed by the learned tribunal by the impugned judgement. Accordingly, it is held that the award of solatium, escalation and interest on the differential amount arising out of enhancement of rate of compensation for land does not call for any interference. ***The point for determination on award of interest on differential compensation is accordingly decided against the appellant and in favour of the claimants.***

<u>Whether the impugned judgement enhancing the compensation for acquired land at flat rate of Rs.600/- per decimal call for any interference?</u>

<u>And</u>

<u>Whether the appellants are entitled to deduction on account of development cost with respect to the acquired lands of village Pindra?</u>

56. This Court finds that it is not in dispute from the oral and documentary evidences placed on record including the map of Mandu Block Ramgarh District that lands of Mouza Pindra, Tiping, Parej Daru-Kashmar, and other villages were acquired by the same process by issuing notification under Section 4 of the Act and the map reveals that the Mouza Pindra, Tiping, Parej and Daru Kashmar and Laiyo they fall one after another and touching boundaries. The records further reveal that the land in village Laiyo was acquired prior in the year 1980 under the same Act of 1957. The extract of the map of Mandu Block (Exhibit-2) is as under: -

57. The claimants in the present cases are from village Pindra and they received the compensation on account of land and trees standing thereon under protest with solatium, escalation and interest and thereafter, the reference cases were instituted seeking enhancement of compensation on land and also trees. They claimed compensation @ Rs. 10,000/- per decimal and in their deposition, they stated that the rate for compensation of acquired land should be @ Rs.3,500/- per decimal. The claimants led oral evidence with respect to the market value of the acquired properties, but not even a single sale deed was exhibited from their side. Further, even the appellants here in, who were opposite party before the learned tribunal, did not produce any sale although, in their evidence they asserted that while fixing the compensation, the market value of the acquired property was assessed on the basis of sale deeds from registry office. Further, the Exhibit-D, which is the only document produced by the appellant (CCL) showing assessment of rate of acquired land also did not refer to any sale deed or any information received from registry office or even the circle rate, but simply referred to the classification of land under Dhan-I, Dhan-II, Dhan-III, Tanr-I, Tanr-II and Tanr-III and others and rate for compensation against each head, but nothing was mentioned as to from where the rates were derived. Further, no material was placed on record to show as to which of the acquired properties were of one or the other category. It was also observed in Exhibit-D that the additional compensation in the form of escalation, solatium and interest will be added to the rate of compensation. It is also important to note that the Exhibit-D was placed on record before the learned tribunal only at the time of arguments of the case.

58. This Court further finds that on the one hand no sale deeds were produced by either party to show exemplar sales for the purpose of compensation for acquired land and it has been argued by the learned counsel for the appellants that in order to claim higher compensation, it was for the claimants to place on record appropriate materials and the onus was upon the claimants.

59. It is true that the claimants failed to produce any sale deed for comparison with respect to the acquired land of the same mouza or in the vicinity of the mouza. However, they exhibited two judgments with respect to acquisition of villages contiguous to the acquired land and Exhibit-1/A was arising out of the same process of acquisition as involved in this case : -

Exhibit-1	Photocopy of C.C. of Judgment dated 31.03.1995 passed in Appeal arising out of Original Order Nos.18-47/1993(R) relating to payment of compensation of the lands of ***Village- Laiyo,*** P.S.- Mandu, District- Hazaribag
Exhibit-1/A	Photocopy of C.C. of Judgment dated 01.03.1994 passed by the Tribunal under Coal Bearing Areas

	(A&D) Act in 16 reference cases relating to the lands of ***Village- Parej and Daru Kashmar***

60. Thus, it cannot be said that no materials were placed on record by the claimants to seek enhancement of compensation for the acquired land. The Exhibits 1 and 1/A were put to the witnesses of the appellant during cross examination to which they were completely silent/ expressed that they are not aware although they were the acquirer in all the cases including the present one.

61. So far as village Laiyo (Exhibit-1) is concerned, the lands were acquired in 1980 vide notification published in the gazette on 01.03.1980 under section 4 which is prior to the acquisition in the present case which is dated 13.01.1981 under Section 4. So far as acquisition of land for the village ***Parej and Daru Kashmar*** are concerned the same were arising out of the same notification for acquisition as involved in the present cases.

62. In the aforesaid two exhibits, Exhibit 1 and 1/A , numerous sale deeds were exhibited. For village Laiyo, the compensation was fixed by the learned tribunal at flat rate of Rs.1200/- per decimal which was under challenge before this court. Vide Exhibit-1 passed by this Court for village Laiyo, the compensation at flat rate was upheld by observing that the acquirer had failed to substantiate different classes of land acquired and nothing was brought on record to prove the fact that the lands acquired in village Laiyo were of different classes and did not possess similar potentialities. However, considering the facts and circumstances of the case and numerous sale deeds produced for consideration, the compensation at flat rate of Rs. 1200/- per decimal as fixed by tribunal was reduced to Rs.600/- per decimal and the judgment and award were modified to that extent. The findings in paragraph 28 and 29 with respect to village Laiyo as decided by this Court reducing compensation at flat rate of Rs. 1200/- per decimal to Rs. 600/- per decimal is quoted as under:-

> *"28. The acquirer has failed to substantiate different classes of lands acquired and nothing has been brought on record to prove the fact that the lands acquired in village Laiyo were of different*

classes and did not possess similar potentiality and, therefore, in my opinion, the Tribunal was justified in fixing compensation at a flat rate for the entire acquired lands.
29. In the aforesaid circumstances, the compensation fixed at the flat rate of Rs.1200/- year decimal by the Tribunal is reduced to Rs.600/- per decimal and the impugned judgement and award are modified to this extent only."

63. This Court finds that in the present case also the appellant herein neither placed on record any material to substantiate different classes of land were acquired and that the lands acquired did not possess similar potentialities. It is common case with respect to the acquired land of concerned villages that the land was falling in the vicinity of collieries and in the present case a *haat* was also been organized since much prior to acquisition of land.

64. In such circumstances, this Court is also of the considered view that the tribunal was justified in fixing compensation at the flat rate for the entire acquired land for village Pindra at flat rate which is involved in this case.

65. This Court finds that the learned tribunal while fixing the rate of compensation has followed the aforesaid judgment passed by this Court in Appeal No. 18 to 47 of 1993 (R) [Exhibit-1] with respect to village Laiyo and fixed the compensation @ Rs.600/ per decimal as the High Court had reduced the compensation for village Laiyo in the aforesaid manner. It is important to note that the learned tribunal did not consider the Exhibit-1/A where the compensation at flat rate was fixed @ Rs.727/- per decimal with deduction of 20% as development cost with respect to village Parej and Daru Kashmar primarily on the ground that it was not clear as to whether the same has been challenged in the High court.

66. The learned tribunal also granted solatium, interest and escalation on the differential amount of compensation as the same was already paid with respect to the assessed amount by the concerned authority.

67. During the course of hearing, it has come to light and judgment of the tribunal passed in the case of Parej and Daru Kahsmar (exhibit-

1/A) was subject matter of appeal before this Court in the Miscellaneous Appeal No. 50 of 1995 and another analogous cases which was decided vide judgment dated 10.11.2004 and ultimately this Court reduced the compensation over land from Rs.727/- per decimal with deduction on account of development charges @20% to Rs.600/- per decimal with deduction on account of development charges @20%. The said judgment was subject matter of consideration in L.P.A no. 2 of 2005 and other analogous cases in appeals filed by the Union of India through CCL whereby this Court upheld the award on account of solatium to be paid @ 30% and interest @ 9% per annum for the first year and 15% per annum for the subsequent year till actual payment and the appeal was dismissed. The judgement of the LPA reveals that there was no challenge to the flat rate of compensation @ 600/- per decimal.

68. This Court finds that the facts and circumstances of the present case with respect to fixation of rate of compensation @ Rs.600/- per decimal is similar to that of Laiyo and also that of village Daru Kashmar and Parej, except that village Laiyo was acquired one year prior to the acquisition of land involved in this case. So far as village Parej and Daru Kasmar are concerned they were acquired through the same notifications and process involved in the present cases whereby the compensation at flat rate has been upheld. For village Laiyo and also for village Daru Kashmar and Parej the rate of compensation for land has been fixed @ Rs.600/- per decimal, but in villages Daru Kashmar and Parej deduction on account of development cost has been allowed by 20%.

69. This Court is of the considered view that there is no reason to take a different view than what has been taken by learned tribunal in the present case while passing the impugned judgment so far as the rate of compensation for land @ Rs.600/- is concerned.

70. This Court is of the considered view that the judgments which have been passed with respect to adjoining villages and acquired by the same process are certainly important materials placed before the court for consideration in the circumstances where the sale deed of the concerned village has not been placed on record from either side and the compensation awarded was not substantiated by CCL through any cogent material placed on record although they claimed in their evidence that they had examined and fixed compensation on the basis of sale deeds from the registry office, but neither any such sale deed has been produced nor the materials has been on record to show that any such sale deed were taken into consideration. Even the Exhibit-D does not show as to how the compensation was fixed and there is no materials on record with respect to the classification of land.

71. ***In view of the aforesaid facts and circumstances, the judgment passed by the learned tribunal fixing the compensation @Rs.600/- per decimal flat rate with respect to village Pindra is a well reasoned judgment and does not call for any interference.***

72. ***So far as the claim of deduction on account of <u>development cost</u>*** is concerned, this Court finds that with respect to village Laiyo, the concerned tribunal had not made any deduction on account of development charges. However, with respect to village Parej and Daru Kashmar, a deduction was made by the learned tribunal itself with respect to development charges to the extent of 20% and such deduction was not interfered with by this Court in appeal and this Court, except reducing the compensation from Rs.727/- to Rs.600/- per decimal, did not interfere with the award of the learned tribunal.

73. The judgment which has been relied upon by the appellants with respect to deduction on account of development charges clearly revealed that there can be no automatic deduction on account of development charges and it varies from one case to another case depending upon the facts and circumstances of the case and materials placed on record. In the present case, no iota of evidence/material has placed on record to claim any deduction on account of development charges much less deduction to the extent of 20%. In the present case, the lands with trees were acquired for the purpose of extraction of coal and no material has been placed on record by the appellants, either before the learned tribunal or before this Court, to claim any development charges or to claim that any development of acquired land was required. The land acquired for extraction of coal is essentially for mining purposes and with respect to the village Pindra, no such claim of deduction was ever made before the tribunal and no material has been placed to claim a deduction on account of development charges. Even the concerned authorities while computing the compensation had not made any deduction on account of development charges.

74. The argument of the learned counsel for the appellants claiming deduction charges from the rate of compensation of land is completely misplaced and is not based on any material/evidence placed on record.

75. In the judgement passed by *the* ***Hon'ble Supreme Court in the case of Mala and others v. State of Punjab and others, (2023) 9 SCC 315: 2023 LiveLaw (SC) 663,*** the principles with regards deduction on account of development cost has been considered. It was argued before the Hon'ble Supreme Court that it is well-settled position of law that while determining the deduction for development charges, the courts should keep in mind the nature of land, area under acquisition, whether the land is developed or not, if developed to what extent, the purpose of acquisition, etc. Though, it is true that while determining the market value of large chunk of land, the value of smaller pieces of land could be taken into consideration, however, after making appropriate deduction in the value of lands or setting apart land required for carving out roads, leaving open spaces, plotting out smaller plots, etc. The percentage of deduction or the extent of area required to be set apart has to be assessed by the courts having regard to the size, shape, situation, user, etc. of the lands acquired. It is essentially a kind of guess work the courts are expected to undertake.

76. The Hon'ble Supreme court referred to various judgements on the point of deduction of development cost as follows: -

> ***15.*** *In Chimanlal Hargovinddas v. LAO, (1988) 3 SCC 751, this Court held as under:*
>
> > *"8. ... The first two grounds are devoid of merit. It is common knowledge that when a large block of land is required to be valued, appropriate deduction has to be made for setting aside land for carving out roads, leaving open spaces, and plotting out smaller plots suitable for construction of buildings. The extent of the area required to be set apart in this connection has to be assessed by the court having regard to the shape, size and situation of the concerned block of land, etc. There cannot be any hard and fast rule as to how much deduction should be made to account for this factor. It*

is essentially a question of fact depending on the facts and circumstances of each case. It does not involve drawing upon any principle of law."

16. *In Lal Chand v. Union of India, (2009) 15 SCC 769, this Court held that:*

"14. The "deduction for development" consists of two components. The first is with reference to the area required to be utilised for developmental works and the second is the cost of the development works. For example, if a residential layout is formed by DDA or similar statutory authority, it may utilise around 40% of the land area in the layout, for roads, drains, parks, playgrounds and civic amenities (community facilities), etc.

15. The development authority will also incur considerable expenditure for development of undeveloped land into a developed layout, which includes the cost of levelling the land, cost of providing roads, underground drainage and sewage facilities, laying water lines, electricity lines and developing parks and civil amenities, which would be about 35% of the value of the developed plot. The two factors taken together would be the "deduction for development" and can account for as much as 75% of the cost of the developed plot.

*16-21****

22. Some of the layouts formed by the statutory development authorities may have large areas earmarked for water/sewage treatment plants, water tanks, electrical substations, etc. in addition to the usual areas earmarked for roads, drains, parks, playgrounds and community/civic amenities. The purpose of the aforesaid examples is only to show that the "deduction for development" factor is a variable percentage and the range of percentage itself being very wide from 20% to 75%."

17. *This Court in the judgment in Kasturi v. State of Haryana, (2003) 1 SCC 354 held that there may be various factual factors which may have to be taken into consideration while applying the cut in payment of compensation towards developmental charges, maybe in some cases it is more than 1/3rd and in some cases less than 1/3rd. This Court held as under :*

"7. ... However, in cases of some land where there are certain advantages by virtue of the developed area around, it may help in reducing the percentage of cut to be applied, as the developmental charges required may be less on that account. There may be various factual factors which may have to be taken into consideration while applying the cut in payment of compensation

> *towards developmental charges, maybe in some cases it is more than 1/3rd and in some cases less than 1/3rd. It must be remembered that there is difference between a developed area and an area having potential value, which is yet to be developed. The fact that an area is developed or adjacent to a developed area will not ipso facto make every land situated in the area also developed to be valued as a building site or plot, particularly when vast tracts are acquired, as in this case, for development purpose."*

77. The aforesaid judgements clearly reveal that in order to claim development cost there has to be some material relating to the development of the acquired land by the acquirer. It has been held that the "deduction for development" consists of two components. The ***first*** is with reference to the area required to be utilised for developmental works and the ***second*** is the cost of the development works. For example, if a residential layout is formed by DDA or similar statutory authority, it may utilise around 40% of the land area in the layout, for roads, drains, parks, playgrounds and civic amenities (community facilities), etc.

78. In the present case, the land having been acquired for mining of coal and there is no evidence or even a statement as to what development is required to be made for the acquired land, the arguments of the learned counsel for the appellant that there has to be some deduction on account of development cost. The question of deduction on account of development cost through guess work arises only when there is some evidence on the point of required development of the acquired land and in absence of any material, no deduction on account of development cost can be made. Thus, the learned tribunal has rightly not granted any deduction on account of development cost. In fact, deduction on account of development cost was neither claimed nor any material was produced to substantiate the claim of deduction on account of development cost. The appellant is not entitled to any deduction on account of development cost. Thus, is held that the compensation for the acquired Land Rs.600/- per decimal dies not call for any interference and the appellant is not entitled to any deduction on account of development cost in the absence of any material that development of the acquired land for coal mining, much less nature of development of the land, was required.

79. The compensation for acquired land as enhanced by the learned tribunal to Rs.600/- per decimal and other components with regards to Solatium, Escalation, Interest on differential amount does not call for any interference.

80. Accordingly, these appeals are dismissed.

81. Pending interlocutory application, if any, is dismissed as not pressed.

82. Let this Judgment be communicated to the concerned court through "Fax/E-mail".

(Anubha Rawat Choudhary, J.)

19.05.2026
Binit /Rakesh
Uploaded on:- 20.05.2026