

**IN THE HIGH COURT OF HIMACHAL PRADESH  
SHIMLA**

RFA No. 87 of 2014

Date of Decision: 27.04.2018

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NTPC Ltd. Kol Dam, Barmana	...Appellant.
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Versus

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Ramka & others	..Respondents.
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*Coram:*

*The Hon'ble Mr. Justice Sanjay Karol, Acting Chief Justice.*

*Whether approved for reporting?<sup>1</sup> No.*

For the Appellant: Mr. Kul Bhushan Khajuria, Advocate, for the appellant/N.T.P.C.

For the Respondents: Mr.R.K.Bansal, Advocate, for respondents No.1(a) to 1(e).

Mr. Ashok Sharma, Advocate General with Mr.Adarsh Sharma, Additional Advocate General & Ms.Svaneel Jaswal, Deputy Advocate General, for respondent No.2-State.

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Sanjay Karol, ACJ (oral)

CMP(M) No.440 of 2018 & 441 of 2018

Respondent No.1 Ramka expired on 12.11.2014, leaving behind his LRs as per particulars mentioned in para 2 of CMP(M) No.440 of 2018. Delay of 3 years, 2 months and 11 days in filing the application, which in my considered has sufficiently been explained, is condoned. For the reasons set out in the application, same is allowed and name of respondent No.1 is directed to be substituted with that of his LRs as per particulars mentioned in the application.

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<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?

Abatement, if any, is set aside. Amended memo of parties is already on record. Registry is directed to make necessary corrections in the memo of parties. Applications stand disposed of.

RFA No.87 of 2014

In this appeal, so filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act), the beneficiary(ies) of the acquisition proceedings have assailed the award dated 05.09.2013, passed by learned Additional District Judge, Ghumarwin, District Bilaspur, H.P., in Land Reference Petition No.7-4 of 2008, titled as *Ramka & others vs. The Land Acquisition Collector, Kol Dam, Bilaspur & another*.

2. Undisputedly claimants' land situate in village Kasol, Tehsil Sadar, District Bilaspur, H.P., came to be acquired for public purpose, namely, construction of Kol Dam. Acquisition proceedings commenced with the publication of notification issued under Section 4 of the Act on 23.11.2000. The Collector Land Acquisition passed his award No.17 of 2004 on 15.08.2004. It is a matter of record that market value of the acquired land came to be assessed at different rates, classification/category wise ranging from ₹1,04,416/- to ₹4,69,955/- per bigha. Aggrieved thereof, claimants filed land

reference petition under Section 18 of the Act, seeking re-determination of the market value of the acquired land, which stands decided in terms of impugned award dated 05.09.2013, in terms whereof, the market value of the acquired land stands re-determined @ ₹4,69,955/- per bigha, on uniform basis, irrespective of the classification and category of land.

3. It is not in dispute that appeal arising out of similarly situated claimants, as also very same acquisition proceedings, arising out of very same notifications under Sections 4 and 11 of the Act, stands decided by this Court vide judgment dated 11.01.2017, passed in RFA No. 792 of 2012, titled as *NTPC Limited, Kol Dam, Barmana vs. Babu Ram & another*. As such, the present appeal is squarely covered by the said decision, for the issues involved are identical. This fact is not disputed. As such, the present appeal stands disposed of, in terms of the said judgment. Directions issued in *Babu Ram* (supra) shall *mutatis mutandis* apply to the instant case also. Pending application(s), if any, also stand disposed of accordingly.

April 27, 2018  
(Purohit)

(Sanjay Karol),  
Acting Chief Justice.