

Bombay HC says Compensation needs to be calculated as per New LAA

Note: There is no MRTP acquisition in this case...

In this latest HC case, Award was made on 17th Oct, 2014 as per Old LAA and New LAA 2013 came into force on 1st Jan, 2014.

In such above cases, the landowner would be entitled to compensation not as per the date of section 4 of Old LAA notification i.e, 22 NOV, 2011 but as on 1st Jan, 2014( the date on which new land acquisition came into force).

What is important to note is that, in the facts of the present case, the award was passed on 17th October 2014 whereas the clarification that was given by the Central Government was only a matter of calculation of compensation as per the clarification issued by the Government dated 26th October, 2015.

We do not think that on this ground and considering that the clarification given by the Central Government came after the award being passed in the present matter, the same would vitiate the award in its entirety.

This matter would have to be done as per Section 24 (1) (a) of the new Land Acquisition Act clearly stipulates that notwithstanding anything contained in the new Land Acquisition Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where no award under Section 11 thereof has been made, then, all the provisions of the new Land Acquisition Act relating to the determination of compensation shall apply. What section 24 (1) (a) of the new Land Acquisition Act contemplates is that, if an award under section 11 of the Land Acquisition Act, 1894 has been made after coming into force of the new Land Acquisition Act, then, compensation would have to be calculated as per the provisions of the new Land Acquisition Act and not as per the provisions of the Land Acquisition Act, 1894. This is also clear from Section 114 of the new Land Acquisition Act which deals with repeal and saving .