

(2025) 12 SHI CK 0059

Himachal Pradesh HC

Case No: Regular First Appeal No. 116 Of 2010

BBMB Through S.E. Pong Dam  
Circle Talwara Township &  
Another

APPELLANT

Vs

Ashwani Kumar &amp; Others

RESPONDENT

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**Date of Decision:** Dec. 4, 2025**Acts Referred:**

- Land Acquisition Act, 1894-Section 4, 4(1), 18, 23, 54
- Evidence Act, 1872-Section 25, 30, 35

**Hon'ble Judges:** Sushil Kukreja, J**Bench:** Single Bench**Advocate:** N.K. Sood, Aman Sood, Amit Sharma, Vaishali Lakhanpal, Parv Sharma, Shiv Pal  
Manhans, Manoj Chauhan, Amandeep Sharma, Ankush Thakur**Final Decision:** Disposed Of

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**Judgement**

Sushil Kukreja, J

1. The instant appeal has been preferred by the appellants/Bhakra Beas Management Board (for short BBMB), who were respondents No. 3 and 4 before the Court below (hereinafter referred to as "the appellants") under Section 54 of the Land Acquisition Act, 1894 (for short "the Act") against award dated 16.01.2010, passed by learned District Judge, Kangra at Dharamshala, H.P. (hereinafter referred to as "the learned Reference Court"), in Reference Case No. 3 of 2008/2001, whereby the learned Reference Court partly allowed the petition filed by the petitioner/claimants (respondents herein) enhancing the market value of the acquired land to Rs.26,00,000/- per hectare.

2. The brief facts of the case are that the petitioners/claimants preferred a petition under Section 18 of the Act, wherein they averred that their land in Tikka Katrah Mouza Katrah, Tehsil Fatehpur, District Kangra, H.P., was acquired under the Act for the purpose of Beas Dam Project and award

was announced on 06.07.2000, whereby inadequate compensation was awarded by the Land Acquisition Collector. The petitioners pleaded that the Land Acquisition Collector did not consider the average sale value and also did not grant compensation for the trees submerged in Pong Dam reservoir. The possession was taken by the authorities in the year 1974, thus the petitioners are legally entitled for interest @ 12% from the date of possession. Lastly, the petitioners prayed that their petition be allowed and compensation be enhanced.

3. The learned Reference Court, partly allowed the petition of the petitioners/claimants by enhancing the market value of the acquired land to Rs.26,00,000/- per hectare along with interest etc.. Hence, the appellants/BBMB preferred the instant appeal under Section 54 of the Act with a prayer to quash and set-aside the impugned award dated 16.01.2010, passed by the learned Reference Court.

4. I have heard the learned Senior Counsel for the appellants, learned counsel/vice counsel/Additional Advocate General for the respective respondents and also carefully examined the records.

5. Mr. N.K. Sood, learned Senior Counsel for the appellants contended that the impugned award is based on conjectures and surmises and the findings so recorded by the learned Reference Court are not supported by the evidence on record. He further contended that the learned Reference Court had ignored the material evidence on record and granted excessive amount of compensation arbitrarily without any reason. He also contended that the learned Reference Court failed to correctly calculate the market value of the acquired land and granted the award excessively and arbitrarily without any sufficient reason. Lastly, he submitted that the appeal be allowed and impugned award dated 16.01.2010, passed by the learned Reference Court be quashed and set-aside.

6. Conversely, learned Counsel/vice counsel for the respondents supported the impugned award. They contended that the learned Reference Court had rightly enhanced the market value of the acquired land @ Rs.26,00,000/- per hectare. They further contended that the acquired land was valuable, as such the instant appeal, being devoid of merits, be dismissed.

7. As per the settled principle of law, compensation for the land acquired has to be determined at market value. Market value is the price that a willing purchaser would pay to a willing seller for the property having due regard to its existing condition with all its existing advantages and its potential possibilities when let out in most advantageous manner excluding any advantage due to carrying out of the scheme for which the property is compulsorily acquired. The determination of market value is the prediction of an economic event viz. a price outcome of hypothetical sale expressed in terms of probabilities. For ascertaining the market value of the land, the potentiality of the acquired land should also be taken into consideration. Potentiality means capacity or possibility for changing or developing into state of actuality.

8. In *Mehta Ravindrarai Ajitrai (deceased) through his heirs and LRs & others v. State of Gujarat* (1989) 4 SCC 250, the Hon'ble Supreme Court held that the market value of a property for the

purpose of Section 23 of the Act is the price at which the property changes hands from a willing seller to a willing purchaser, but not too anxious a buyer, dealing at arms length. The relevant portion of the aforesaid judgment reads as under:

***“4. ....The market value of a piece of property for purpose of Section 23 of the Land Acquisition Act is stated to be the price at which the property changes hands from a willing seller to a willing, but not too anxious a buyer, dealing at arms length. Prices fetched for similar lands with similar advantages and potentialities under bona fide transactions of sale at or about the time of the preliminary notification are the usual and, indeed the best, evidences of market value.”***

9. In *Atma Singh & others vs. State of Haryana & another* (2008) 2 SCC 568, the Hon'ble Supreme Court held that the market value is the price that a willing purchaser would pay to a willing seller for the property having due regard to its existing conditions with all its existing advantages and its potential possibilities when led out in most advantageous manner, excluding any advantage due to carrying out of the scheme for which the property is compulsorily acquired. In considering market value, disinclination of the vendor to part with his land and the urgent necessity of the purchaser to buy should be disregarded. The question whether a land has potential value or not, is primarily one of the facts depending upon its condition, situation, user to which it is put or is reasonably capable of being put and proximity to residential, commercial or industrial areas or institutions. The existing amenities like, water, electricity, possibility of their further extension, whether near about town is developing or has prospect of development have to be taken into consideration. The relevant portion of the aforesaid judgment reads as under:

***“4. ....The expression “market value” has been the subject-matter of consideration by this Court in several cases. The market value is the price that a willing purchaser would pay to a willing seller for the property having due regard to its existing condition with all its existing advantages and its potential possibilities when led out in most advantageous manner excluding any advantage due to carrying out of the scheme for which the property is compulsorily acquired. In considering market value disinclination of the vendor to part with his land and the urgent necessity of the purchaser to buy should be disregarded. The guiding star would be the conduct of hypothetical willing vendor who would offer the land and a purchaser in normal human conduct would be willing to buy as a prudent purchaser in normal human conduct would be willing to buy as a prudent man in normal market conditions but not an anxious dealing at arm's length nor a sale nor fictitious sale brought about in quick succession or otherwise to inflate the market value.***

***5. For ascertaining the market value of the land, the potentiality of the acquired land should also be taken into consideration. Potentiality means capacity or possibility for changing or developing into state of actuality. It is well settled that market value of a property has to be determined having due regard to its existing condition with all its existing advantages and its potential possibility when led out in its most advantageous manner. The question whether a land has potential value or not, is primarily one of fact depending upon its condition, situation, user to which it is put or is reasonably capable of being put and***

***proximity to residential, commercial or industrial areas or institutions. The existing amenities like water, electricity, possibility of their further extension, whether near about town is developing or has prospect of development have to be taken into consideration.”***

10. For ascertaining market value of the acquired land, the Court can no doubt rely upon such sale transactions, which would offer a reasonable basis to fix the price, for which purpose, a sale transaction relating to a smaller parcel of land can be considered for the purpose of assessing the market value in respect of a large tract of land, after making appropriate deductions such as for development of land, for providing space for roads, sewers, drains, expenses involved in formation of a layout, lump-sum payments, as well as for the waiting period required for selling the sites that would be formed and other expenses involved therein, but before doing so, the evidentiary value of such a sale deed is required to be carefully scrutinized As held in the case of Land Acquisition Officer vs. Nookala Rajamallu reported as (2003) 12 SCC 334, in order to adopt the price reflected in the sale deed, the following conditions are required to be met :

***"9. It can be broadly stated that the element of speculation is reduced to a minimum if the underlying principles of fixation of market value with reference to comparable sales are made:***

***(i) when sale is within a reasonable time of the date of notification under Section 4(1);***

***(ii) it should be a bona fide transaction;***

***(iii) it should be of the land acquired or of the land adjacent to the land acquired; and***

***(iv) it should possess similar advantages***

***10. It is only when these factors are present, it can merit a consideration as a comparable case (see Special Land Acquisition Officer v. T. Adinarayan Setty AIR 1959 SC 429)."***

11. In Union of India vs. Pramod Gupta (dead) by LRs & others, 2005 (12) SCC 1, the Hon'ble Supreme Court held that the best method, as is well-known, would be the amount which a willing purchaser would pay to the owner of the land. In the absence of any direct evidence, the Court, however, may take recourse to various other known methods. Evidence admissible therefor inter alia would be the sale deeds, judgments and awards passed in respect of acquisitions of lands made in the same village and/or neighboring villages. Such a judgment/award in the absence of any other evidence like deed of sale, report of the expert and other relevant evidence would have only evidentiary value. The relevant portion of the aforesaid judgment reads as under:

***“24 While determining the amount of compensation payable in respect of the lands acquired by the State, the market value thereof indisputably has to be ascertained. The existing different modes thereof.***

***25. The best method, as is well known, would be the amount which a willing purchaser would pay to the owner of the land. In absence of any direct evidence, the court, however, may take recourse to various other known methods. Evidences admissible therefor inter alia***

***would be judgments and awards passed in respect of acquisitions of lands made in the same village and/or neighboring villages. Such a judgment and award, in the absence of any other evidence like the deed of sale, report of the expert and other relevant evidence would have only evidentiary value.”***

12. In the case on hand, in order to prove their case, the petitioners/claimants have examined nine witnesses. PW-1 Kuldeep Singh deposed that their land was acquired in 1965 and the nature of the land was Banjar Kadeem, Barani and Khadaitar. The land got submerged in the water in 1974. He further deposed that the market value of the land was rupees twenty six lacs per hectare qua banjar kadeem. PW-2 Jagjit Chand Patwari deposed that he had issued certificate of average cost, Ex. PW-2/A from 01.12.1998 to 30.11.1999, which was prepared on the basis of the original record. PW-3 R.K. Sharma, Advocate, deposed that on 26.07.1991, on the instructions of Narinder Singh son of Gian Singh, he served legal notice to Collector, Kangra at Dharamshala, Chief Engineer Beas Construction Board Talwara Township, Ex. PW-3/A. PW-4 Shadi Lal, Patwari, deposed that certified copies from their office, i.e., Office of Land Acquisition, Raja-Ka-Talab, were supplied by Copying Agency of Deputy Commissioner, Kangra at Dharamshala. PW-5 Banshi Ram deposed that he was ousted when the land was acquired. As per this witness, houses were situated over the acquired land and trees were submerged in the reservoir. PW-6 Subhash Chand, Patwari, deposed that certified copies, Ex. PW-6/A to Ex. PW-6/E were prepared by him, as per the original record. PW-7 Madan Lal, Patwari (Retd.) from BBMB, deposed that certified copies Ex. PW-6/A to Ex. PW-6/D were prepared with his help by record-keeper Subhash Patwari. PW-8 Devi Singh deposed that he had seen the acquired land, which was situated near to his house, whereupon Dam has been constructed. As per this witness, there were trees of different species over the acquired land and the land was acquired for commercial purpose. He deposed that education institutions were located nearby the acquired land and National Highway was also nearby. PW-9 Sansar Chand deposed that BBMB used to supply electricity from Pong Dam since 1972-73 to the State of Punjab, Haryana, Rajasthan, Delhi and Chandigarh and used to earn rupees one crore per day.

13. On the contrary, the respondents examined RW-1 A.K. Ahluwalia, the then Executive Engineer, Electrical BBMB, Talwara, who deposed that the nature of the land was banjar kadeem and water was raised in the year 1974, but compensation qua the acquired land was not awarded. As per this witness, market value of the land was assessed at Rs.20,00,000/- per hectare, which was excessive. RW-2 Kamaljeet Singh, the then Registration Clerk from the office Sub-Registrar, Fatehpur, produced two sale deeds, which were registered on 24.09.1997 and 26.08.1998, respectively, certified copies of which are Ex. RW-2/A and Ex. RW-2/B. RW-3 Bir Singh, Patwari, prepared average sale documents, Ex. RW-3/A to Ex. RW-3/F, as per the original record. As per this witness, only one sale deed was executed pertaining to Tika Katrajh w.e.f. 01.03.2001 to 28.02.2002 and he admitted that from 28.02.2002 to 01.08.2004 no sale deed was executed. RW-4 Taramani, Patwari, BBMB, deposed that the acquired land was banjar kadeem and it was submerged in Pong Dam reservoir in 1974. As per this witness no compensation was awarded qua the acquired land in 1974 and notification qua acquisition of this land was issued later on and in the year 2000 award was passed. He further deposed that BBMB had filed a writ petition before

this High Court, which was disposed of with a direction to the Reference Court to award fair and just compensation.

14. The perusal of the impugned award shows that the petitioners have relied upon document of average sale price, Ex. PW-2/A, for the period w.e.f. 01.12.1998 to 30.11.1999, wherein the value of Banjar Kadeem land was mentioned as Rs.26,00,000/- per hectare. The perusal of Ex. PW-2/A further shows that it was prepared by a public official in discharge of his official duty, hence the same is admissible under Section 35 of the Indian Evidence Act. PW-2, Shri Jagjit Chand Patwari, specifically deposed that he had issued certificate of average cost, Ex. PW-2/A, from 1.12.1998 to 30.11.1999, and the same was prepared on the basis of the original record. Even the statement of RW-3 Shri Bir Singh, Patwari, fortifies the statement of PW-2, as he unequivocally deposed that Ex. PW-2/A was correct, as per the original record.

15. The land in question was acquired on 6.07.2000, thus Ex. PW-2/A, which pertains to the period 1.12.1998 to 30.11.1999, was before the acquisition, therefore, most relevant document or ascertaining the market value of the acquired land. The respondents, could not produce any cogent and satisfactory evidence to rebut Ex. PW-2/A. What to talk of cogent and satisfactory evidence, RW-3 Shri Bir Singh Patwari, who is the witness of the respondents, admitted document, Ex. PW-2/A, as correct and prepared as per the original record. Moreover, it stands proved on record that the land in question was acquired by the respondents for commercial purpose, i.e., for supply of electricity and it also stands proved that industrial area is situated at a distance of 6-7 kilometers from the acquired land.

16. In view of the above, it can safely be held that document of average sale price, Ex. PW-2/A, for the period 1.12.1998 to 30.11.1999, whereupon the Reference Court had assessed enhanced compensation @ Rs.26,00,000/- per hectare, remains un rebutted, as it was prepared by a public official, while discharging his official duty and the respondents failed to rebut the same by oral as well as documentary evidence. Thus, Ex. PW-2/A, has been rightly relied upon by the learned Reference Court to enhance the market value of the acquired land from rupees twenty lacs to rupees twenty six lacs per hectare.

17. The learned Senior Counsel for the appellants next contended that the learned Reference Court had committed a grave error in assessing the market value of the acquired land @ Rs.26,00,000/- per hectare, irrespective of the classification of the land. However, this contention of the learned counsel for the appellants is devoid of any force.

18. It is a settled law that where the entire area is similarly situated, the value of the land under acquisition is to be assessed as a single unit irrespective of its classification and nature ignoring the purpose to which it was being put prior to the acquisition, as well as to the one it is likely to be put thereafter. In *Gulabi & etc. vs. State of H.P.*, AIR 1998 HP 9, it has been held as under:

***“As a result of this discussion it is held that the market value of the land on the date of acquisition is Rs.4,000/- per biswa. In this context it is further held that the value of the land under acquisition is to be assessed irrespective of its classification and nature***

*ignoring the purpose to which it was being put prior to the acquisition, as well as to the one it is likely to be put thereafter, Consequently, the appellants are held entitled to compensation at the rate of Rs. 4,000/- per biswa uniformly for all qualities of land and it is ordered accordingly. In taking this view, we are guided by the judgment of the Hon"ble Apex Court reported in Bhagwathula Samanna and others Vs. Special Tahsildar and Land Acquisition Officer, Visakhapatnam Municipality, and the relevant abstracts from the said judgment are as under (paras 7, 11, 13):--*

*"In awarding compensation in acquisition proceedings, the Court has necessarily to determine the market value of the land as on the date of the relevant Notification. It is useful to consider the value paid for similar land at the material time under genuine transactions. The market value envisages the price which a willing purchaser may pay under bona ide transfer to a willing seller. The land value can differ depending upon the extent and nature of the land sold. A fully devel ped small plot in a important locality may fetch a higher value than a larger area in an undevel ped condition and situated in a remo e locality. By comparing the price shown in he ransactions all variables have to be aken into consideration. The transaction in ega d to smaller property cannot, therefore, be taken as a real basis for fixing the compensation for larger tracts of property. In fixing the market value of a large property on the basis of a sale transaction for smaller property, generally a deduction is given taking into consideration the expenses required for devel pment of the larger tract to make smaller plots within that area in order to compare with the small plots dealt with under the sale transaction.*

*The principle of deduction in the land value covered by the comparable sale is thus adopted in order to arrive at the market value of the acquired land. In applying the principle it is necessary to consider all relevant facts. It is not the extent of the area covered under the acquisition, the only relevant factor. Even in the vast area there may be land which is fully developed having all amenities and situated in an advantageous position. If smaller area within the large tract is already developed and suitable for building purposes and have in its vicinity roads, drainage, electricity, communications etc., then the principle of deduction simply for the reason that it is part of the large tract acquired, may not be justified.*

*The proposition that large area of land cannot possibly fetch a price at the same rate at which small plots are sold is not absolute proposition and in given circumstances it would be permissible to take into account the price fetched by the small plots of land. If the larger tract of land because of advantageous position is capable of being used for the purpose for which the smaller plots are used and is also situated in a developed area with little or no requirement of further development, the principle of deduction of the value for purpose of comparison is not warranted.*

*In the instant case it has been satisfactorily shown on the evidence on record that the land has facilities of road and other amenities and is\ adjacent to a developed colony and in such circumstances it is possible to utilize the entire area in question as house sites. In*

***respect of the land acquired for the road, the same advantages are available and it did not require any further development. Therefore, no deduction could be made on ground, that large tract of land is required.”***

19. In Land Acquisition Officer vs. L Kamalamma (1998) 2 SCC 385, H.P. Housing Board vs. Ram Lal & others 2003(3) Sim.L.C. 64, Executive Engineer & Anr. Vs. Dilla Ram Latest HLJ 2008 (HP) 1007) it was held that when the entire land acquired belongs to one block, classification of the same into different categories is not reasonable. In case acquired land is to be used/developed as a single unit for a purpose having no relevancy with quality of land, the classification of land completely loses its significance.

20. Therefore, in view of the aforesaid authoritative pronouncements of law, the contention of the learned Senior Counsel for the appellants that the learned Reference Court has erred in awarding uniform rate for the entire land by ignoring the classification and nature of the land deserves to be rejected, as in the instant case also the land has been acquired as the single unit for the public purpose, i.e., for construction of Pong Dam Reservoir.

21. The learned Senior Counsel for the appellants next contended that the learned Reference Court had committed illegality in awarding additional interest @ 9% per annum to the petitioners from the year 1974, i.e., with effect from possession of acquired land till the enhanced amount is not deposited, as the same could not have been awarded by the learned Reference Court.

22. From the perusal of the material available on record, it has become clear that the possession of the land was taken in the year 1974 and even the respondents, in their reply, have admitted that the acquired land was submerged in reservoir in the year 1974. RW-1 A.K. Ahluwalia specifically deposed that water was raised in the year 1974 and the acquired land was submerged in the reservoir and he has also specifically stated that the award was passed in the year 2000. RW-4 Taramani specifically admitted that the acquired land was submerged in the reservoir in the year 1974 and the same was not acquired in the year 1974, but was acquired in the year 2000.

23. Now, the question, which arises for consideration before this Court is as to whether the claimants were also entitled to be compensated for the period for which they remained out of possession, i.e., from the year 1974.

24. In Madishetti Bala Ramul (dead) by LRs vs. Land Acquisition Officer (2007) 9 SCC 650 on'ble Supreme Court allowed the interest @ 15% per annum on the market value assessed by the Reference Court on the ground that the land was utilized for public purpose without acquisition and payment of compensation for considerable long period. The relevant extract from the aforesaid judgment is quoted for reference as under:

***“9. The short question which, therefore, arises for consideration is as to whether Section 25 of the Act will have any application in the fact of the present case. Two notifications were issued separately. The second notification was issued as the first notification did not survive. Valuation of the market rate for the acquired land, thus, was required to be determined on the basis of the notification dated 23.12.1991. The earlier notification lost its***



***force. If the notification issued on 16.03.1979 is taken into consideration for all purposes, the subsequent award awarding market value of the land @ Rs. 65/- per square yard cannot be sustained. As the said market value has been determined having regard to the notification issued on 23.12.1991, possession taken over by Respondent in respect of 3 acres 5 guntas of land, pursuant to the said notification dated 16.03.1979 was in the eye of law, therefore, illegal. The High Court evidently directed grant of additional market value @ 12% per annum on the enhanced market value from the date of the publication of the notification dated 23.12.1991 as also interest thereupon from the said date instead and place of 18.05.1979. We generally agree therewith.***

***15. The Land Acquisition Officer took possession of the land on the basis of a notification which did not survive. Respondent could not have continued to hold possession of land despite abatement of the proceeding under the 1984 Act. It was directed to be decided by the High Court upon a reference made by the Collector in terms of Section 30 of the Act. The State, therefore, itself realized that its stand in regard to the ownership of 3 acres and 5 guntas of land was not correct. It, therefore, had to issue another notification having regard to the provisions contained in the Land Acquisition (Amendment) Act, 1984. Whereas the High Court may be correct in interpreting the question of law in view of the decision of this Court, but the same would not mean that Appellants would not get anything for being remaining out of possession from 1979 to 1991.***

***20. In the peculiar facts and circumstances of the case, although the principle for us would have to remand the matter back to the Collector to determine the amount of compensation to which the Appellants would be entitled for being remained out of possession since 1979, we are of the opinion that the interest of justice would be met if this appeal is disposed of with a direction that additional interest @ 15% per annum on the amount awarded in terms of award dated 02.01.1999 for the period 16.03.1979 till 22.12.1991, should be granted, which, in our opinion, would meet the ends of justice."***

25. In *Balwan Singh & others vs. Land Acquisition Collector & another*, (2016) 13 SCC 412, wherein the same view was reiterated by the Hon'ble Supreme Court and direction was issued to the acquiring authority to award additional interest by way of damages from the date when the respondents-claimants were dispossessed till the date of notification under Section 4 of the Act. Relevant paras of Balwan Singh's judgment (supra) for the sake of ready reference are extracted hereunder:

***"1. The short issue arising for consideration in this appeal is whether the appellants are entitled to interest for the period from the date of dispossession to the date of Notification under Section 4(1) of the Land Acquisition Act, 1894 (For short 'the Act'). That issue is no more res integra. In R.L. Jain Vs. DDA (2004) 4 SCC 79 at para 18, this Court has taken the view that the land owner is not entitled to interest under the Act. However, it has been clarified that the land owner will be entitled to get rent or damages for use and occupation for the period the Government retained possession of the property.***

**2. Noticing the above position, this Court in *Madishetti Bala Ramul Vs. Land Acquisition Officer* (2007) 9 SCC 650, took the view that it may not be proper to remand the matter to the Collector to determine the amount of compensation to which the appellants therein would be entitled for the period during which they remained out of possession and hence, in the interest of justice, this Court directed that additional interest at the rate of 15% per annum on the amount awarded by the Land Acquisition Collector, shall be paid for the period between the date of dispossession and the date of Notification under Section 4(1) of the Act.**

**3. The said view was followed by this Court in *Tahera Khatoon Vs. Land Acquisition Officer* (2014) 13 SCC 613.**

**4. Following the above view taken by this Court, these appeals are disposed of directing the respondents to award additional interest by way of damages, at the rate of 15% per annum for the period between 1.7.1984, the date when the appellants were dispossessed till 2.9.1993, the date of Notification under Section 4(1) of the Act. Needless to say, that this compensation will be on the basis of land value fixed by the Reference Court. The amount as above, shall be calculated and deposited before the Reference Court within a period of three months from today.”**

26. Here in the instant case also, admittedly, the claimants were divested from their land in the year 1974 and the notification of acquisition under Section 4 of the Act was issued on 07.01.2000, therefore, in view of the judgments (supra) passed by Hon'ble Supreme Court, this Court is of the view that since the possession of the land in question was taken by BBMB for construction of Pong Dam Reservoir in the year 1974, and the notification qua acquisition under Section 4 of the Act was issued on 07.01.2000, therefore, the claimants are held entitled to additional interest as damages, for the period between 1974 (the year when the claimants were actually dispossessed from their land in question) till the date of issuance of notification qua acquisition of the land in question, under Section 4(1) of the Act, and the impugned award deserves to be modified only to this extent.

27. Hence, in view of the above, the impugned award, dated 16.01.2010, passed by the learned Reference Court stands modified, as above, and rest of the award remains unchanged and the appeal stands disposed of accordingly.

Pending application(s), if any, shall also stand(s) disposed of.