

**Mahanadi Coal Fields Ltd. & Anr.**

v.

**Mathias Oram & Ors.**

(Miscellaneous Application No. 2662/2023

In

M.A. No. 231/2019

In

Special Leave Petition (C) No. 6933 of 2007)

03 January 2025

**[Bela M. Trivedi\* and Satish Chandra Sharma, JJ.]**

**Issue for Consideration**

Issue arose as regards the extension of the term of the Claims Commission, and determining the Rehabilitation and Resettlement benefits of the villages acquired by the appellant-MCL

**Headnotes<sup>†</sup>**

**Coal Bearing Areas (Acquisition and Development) Act, 1957 – Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Compensation claim – Rehabilitation and Resettlement benefits – Determination, of land oustees of four acquired villages – Villages acquired by the appellant-MCL – Claims Commission appointed for determining the claim of compensation in respect of vast portions of lands acquired – Commission set up for carrying out the exercise for 14 villages – Report submitted by the Commission in relation to the village Gopalpur – Recommendations approved and made it an order of the Court – Following the Gopalpur model, the Commission submitted further reports which were approved – Several applications moved by the MCL and land owners seeking a range of directions – By order dated 03.11.2022, this Court held that the Gopalpur Model for determining the compensation was applied in respect of 10 villages which reports were approved by the courts, and the issues stood finalized and there could be no re-determination, and this Court**

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**would not entertain Miscellaneous Application – In regard to four villages-Tumulia, Jhupuranga, Ratansara, and Kirpsara, no award approved on the said date – However, Miscellaneous Applications filed – Directions sought as regards extension of time to finalise the report of village Ratansara by the Nodal Officer, Claims Commissioner; directions to Commission to prepare the PAF/PDF list determining R&R benefits of any or all four remaining villages out of 14 villages acquired by the MCL; and directions to direct the Commission to decide their cases at the earliest:**

**Held:** No further order for extension of the term of the Commission can be passed – Directions as prayed for by the Committee to direct the Commission to prepare PAF/PDF list determining the Rehabilitation and Resettlement benefits of the four villages cannot be issued – Commission entertained the cases filed by the land oustees of whose reports have already been finalized and approved by this Court – Commission also travelled beyond the directions given by this Court by entertaining the issues raised by the villagers and land oustees of four villages with regard to Rehabilitation and Resettlement benefits – Only additional exercise which the Commission had to carry out was the differential payable after the re-determination in respect of all the elements-market value, solatium, and further interest – This Court clearly earmarked the task of the Commission and of the other authorities and given final directions which had to be followed – Commission appears to have entertained the issues with regard to the suitability of resettlement sites for shifting of the eligible land oustees – Commission should not have entertained any of these issues, when all the issues alluded and dealt with thoroughly by this Court vide order dated 03.11.2022 – MCL already raised objections with regard to the method of calculation, the said issue was transferred to the High Court and is pending – High Court to decide the writ petition expeditiously – MCL to make payment towards the compensation immediately after the final judgment passed by the High Court. [Paras 15-26]

**List of Acts**

Coal Bearing Areas (Acquisition and Development) Act, 1957;  
Right to Fair Compensation and Transparency in Land Acquisition,  
Rehabilitation and Resettlement Act, 2013.

**Digital Supreme Court Reports****List of Keywords**

Compensation claim; Commission; Mahanadi Coalfields; Compensation to land oustees; Rehabilitation and resettlement benefits; Gopalpur Model .

**Case Arising From**

CIVIL APPELLATE JURISDICTION: Miscellaneous Application No. 2662 of 2023

In

M.A. No. 231 of 2019

In

Special Leave Petition (C) No. 6933 of 2007

From the Judgment and Order dated 03.11.2022 of the Supreme Court of India in MA No. 231 of 2019

And

M.A. (D) No. 28318 of 2024 In M.A. No. 231 of 2019

In SLP(C) No. 6933 of 2007

With

Interlocutory Application Nos. 137789 of 2024 & 137791 of 2024

And

M.A. (D) No. 30630 of 2024 in SLP(C) No. 6933 of 2007

With

Interlocutory Application Nos. 148429 & 148427 of 2024

**Appearances for Parties**

K.M. Nataraj, A.S.G., Atmaram N.S. Nadkarni, Sr. Adv., Salvador Santosh Rebello, Raghav Sharma, Prateek Tanmay, Ms. Kritika, Jaskirat Pal Singh, Ms. Manisha Gupta, Ms. Arzu Paul, Ms. Deepti Arya, Rishikesh Haridas, Ms. Himanshi Nagpal, Ms. Pooja Gill, Anup Kumar, Amiya Kumar Behera, Ms. Pragya Choudhary, Ms. Shruti Singh, Mrs. Neha Jaiswal, Satyajit Mahanty, P Vamshi Rao, Abhishek Choudhury, Madhusudan Jena, Prashant Bhushan, Kamal Kishore, Ms. Kajal Giri, Tejaswi Kumar Pradhan, Manoranjan Paikaray, Ms. Anindita Pujari, Ms. Rohini Musa, Gurmeet Singh Makker, Ms. Priyanka Das, Abhishek Atrey, Sughosh Subramanyam, Pratyush Shrivastava, A. Venayagam Balan, Arvind Kumar Sharma, R. Chandrachud, Jogy Scaria, Shibashish Misra, Vishal Arun,

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Shankar Divate, Ashok Panigrahi, Ms. Geetanjali Das Krishnan, Mudit Sharma, Ms. Nandini Gidwaney, Satya Mitra, Rahul Shyam Bhandari, Ms. Neha Rathi, S. Verma, Aftab Ali Khan, S. K. Srivastava, Mansur Ali Khan, Gurjeet Singh, Rahat Ali Chaudhary, Ms. Mahetaba Asrar, Advs. for the appearing parties.

**Judgment / Order of the Supreme Court**

**Judgment**

**Bela M. Trivedi, J.**

1. The captioned M.A. No. 2662 of 2023 in M.A. No. 231/2019 has been filed by the Secretary-cum-Administrative Nodal Officer, Claims Commission, Bhubaneswar seeking extension of time to finalise the report of village Ratansara.
2. The captioned M.A. (D) No.28318/2024 in M.A. No.231/2019 has been filed by the Applicant-Manikeswari Bisthapita Committee through its Secretary praying to direct the Commission to prepare the PAF/ PDF list determining R&R benefits of any or all four remaining Villages namely Tumulia, Jhupurunga, Kiripsira and Ratansara out of 14 villages acquired by the MCL in compliance of the order dated 03.11.2022 passed by this Court in M.A. No. 231 of 2019.
3. The captioned M.A. (D) No.30630/2024 has been filed by the eight applicants praying to direct the Commission to decide their cases at the earliest.
4. It may be noted that the Claims Commission had submitted the status report showing the progress of the proceedings before it as on 27.06.2024, pursuant to the order passed by this Court on 23.01.2024. Vide the said order dated 23.01.2024, this Court had extended the term of the Commission till 15.07.2024, after recording the statement of the Secretary of the Commission that the Commission shall finalise the claims in respect of Village Ratansara by June, 2024. This Court had also directed the Commission to submit the report with regard to the finalization of the claims in respect of the Village Ratansara on or before 01.07.2024. The Commission, therefore, has submitted the report dated 01.07.2024 updating the Court about the term of the Commission and the work pending with the Commission.

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5. As per the Status Report submitted by the Claims Commission, the work pending before the Commission as on 27.06.2024 was as under:-
  - (i) To dispose of 2836 (2581 as on 31<sup>st</sup> December, 2023 + 255 in 2024) Nos. of Civil Cases and 232 (228 + 4) Nos. of Misc.

Cases filed by land oustees of 10 villages pursuant to orders of the Hon'ble Supreme Court dated 15.07.2013 and 10.07.2017.
  - (ii) To dispose of 24 (16+8) Nos. of cases pursuant to the direction of the High Court of Orissa issued in various Writ petitions.
  - (iii) To dispose of 194 (57+137) Nos. of cases filed by the villagers of Jhupurunga and Tumulia after finalization of the Report for substitution of legal heirs of awardees and correction of computer-generated mistakes.
  - (iv) To Certify suitability of Rehabilitation sites for shifting of eligible land oustees who are entitled to R&R benefits. Once the Rehabilitation site is ready, the Commission shall issue necessary certificate as directed by the Hon'ble Supreme Court vide order dated 10.7.2017.
  - (v) Determination of R&R benefits of land oustees of 4 acquired villages namely Jhupurunga, Tumulia, Kiripsira and Ratansara by the Commission subject to appropriate direction of the Hon'ble Supreme Court to that effect.”
6. The Original Writ Petitioner i.e., Mahanadi Coalfields Limited (MCL) has filed a detailed reply to the Part-I report for Village Ratansara dated 27.06.2024 and to the progress status report dated 27.06.2024. Raising objections against the report of Village Ratansara dated 27.06.2024 submitted by the Claims Commission, the MCL has stated that the Claims Commission had completely erred in its methodology of calculating the compensation for Village Ratansara and has also ignored the express directions of this Court given vide judgment dated 03.11.2022 passed in M.A. No. 231 of 2019 in SLP (C) No. 6933 of 2007. According to the MCL, since the MCL had objected to the Commission's methodology of calculation, this Court vide the order dated 10.10.2023 had transferred the issue to the High Court of Orissa. The W.P. (C) No. 39185 of 2023 preferred before the High Court in this regard is pending. It is further stated by the MCL

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that so far as the payment of compensation for the structures was concerned, the MCL has already made payment without prejudice to rights and contentions as regards the calculation method.

7. As regards the other pending work shown by the Commission in its status report dated 27.06.2024, the petitioner MCL has raised strong objections by preparing following tabular chart:

<b>S. No</b>	<b>Purported pending works mentioned by Claims Commission</b>	<b>Ground of MCL for closure of the Commission</b>
01	To dispose of 2836 Nos. of Civil Cases and 232 Nos. of Misc. Cases filed by land oustees of 10 villages.	At para <u>68.iii.c</u> of order dated 03.11.2022, this Hon'ble Court had directed that, "This court is of the opinion that the Commission could not reopen determinations based upon change of policies of the State given that the benefits adjudicated by it based on factual determinations has crystallised. In many cases, MCL has actually provided employment to several individuals. Consequently, it is held that all cases that have been adjudicated and were approved by this court cannot be reopened". Since the PAF list of the 10 villages have been approved by the Hon'ble Court, the Claims Commission cannot re-open those cases. Subsequently Hon'ble Court in its order dated 10.10.2023 had directed that, "in case of any grievance by any party with respect to any order or report of the Claims Commission, the grievance should be first articulated before the High Court, in appropriate proceedings." The Commission cannot hear all of such cases as is sought to be heard, as the same pertain to the villages whose reports have already been finalised, and have been approved by this Hon'ble Court and this Hon'ble Court has thereafter in express directions given vide Judgement dated 03.11.2022 stated that there shall not be any re-opening in so far as the 10 villages are concerned. Thus, the act of the Claims Commission would amount to re-opening of cases which have already attained finality and the same cannot be permitted. In view of the above, the Claims Commission cannot re-open the cases of 10 villages.

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02	In 24 Nos. of writ petitions Hon'ble High Court has directed the Claims Commission to dispose these cases.	The Claims Commission is hearing cases in so far as the 10 villages which issues have already attained finality. The said issues were kept pending by the Claims Commission and not decided in order to prolong the work of the Claims Commission instead of completing the main task assigned by this Hon'ble Court. This Hon'ble Court has vide its Order dated 03.11.2022 passed in M.A No. 231 of 2019 expressly directed that all the issues which have attained finality in so far as the 10 villages the same shall not be re-opened, and therefore, the question of hearing or deciding any of such cases by the Claims Commission does not arise.
03	To dispose of 194 Nos. of cases filed by the villagers of Jhupurunga and Tumulia.	The villages acquired under CBA by MCL, apart from the villages in Sundargarh District, R&R Policy of Govt. of Odisha, 2006 is applicable and District Collector is the competent authority to redress the grievances, pertaining to R&R benefits, of the project affected families. As per para <u>68.iii.a</u> of the judgement dated 3.11.2022 of this Hon'bie Court the R&R Policy 2006 as amended by the 2013 policy more specifically Clause 20, clearly provides that there shall be a District and Directorate Level grievance redressal mechanism for project affected persons. The same has been set up and can hear all of such grievances if any. Hence, the Collector, Sundargarh can also hear the grievance related to R&R benefits of these 04 villages as is similarly done in other areas. In case of any grievance regarding amount of compensation or apportionment of compensation, CBA Tribunal is constituted w/s 17 of CBA Act, 1957 to hear the grievances of the project affected families (land losers). A Statutory Tribunal set up under the CBA Act is functioning in Jharsuguda District Odisha. As there is well settled mechanism in the Odisha R&R Policy and in CBA Act to redress the grievance of the affected families (land losers), the same can be dealt with appropriately.

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04	Certify the suitability of Resettlement sites for shifting of eligible land oustees, as directed by the Hon'ble Supreme Court vide order dated 10.07.2017	<p>At para <u>68.iv.a</u> of order 03.11.2022, this Hon'ble Court had directed that:</p> <p>"On the point of housing plots, it is hereby declared and directed that the State and MCL are under an obligation to ensure that the land acquired by it in those areas which are to be developed, have to be developed. The State Government shall ensure that at least three nodal officers from the departments concerned are deployed for facilitating this task of coordinating with allagencies and ensuring that the development of the plots duly takes place to enable the Collector to make the necessary allotments within the time indicated".</p> <p>Hence, the commission has no role to play in Resettlement sites for either allotment of plots or shifting of the project displaced families.</p>
05	Determining R&R benefits of land oustees of 4 acquired villages, namely Tumulia, Kiripsira, Jhupurunga, and Ratansara, the Commission subject to the appropriate direction of the Hon'ble Supreme Court.	<p>The Petitioner MCL, the Land oustees, and District Administration after holding a meeting, addressed a letter dated 25.01.2024 (at page 59 of the Vol-II documents of Claims Commission dated 27.06.2024), to the Claims Commission to prepare the PAF list. However, the Claims Commission vide its Letter dated 12.02.2024 (at page 71 of the Vol-II documents of Claims Commission dated 27.06.2024) refused to do the same, stating that there is no direction from this Hon'ble Court to prepare the PAF list. In order to obviate any further delays, the Petitioner MCL herein itself preparing and finalising the PAF list for village Jhupurunga as per the principle set by this Hon'ble Court in M.A. 231 of 2019 in SLP(C) No. 6933 of 2007 dated 03.11.2022, in consultation with the 03 nodal officers appointed by State Government. After preparation of PAF lists it will be sent to Collector, Sundargarh for approval. On approval of the PAF list by Collector, Rehabilitation &amp; Resettlement benefits will be provided to the villagers according to the approved list. The same procedure is being followed in other districts coming under the coalfield area of MCL in the state of Odisha. Similarly, the PAF list for Tumulia, would be prepared by the Petitioner MCL. In so far as village Kiripsira and Ratansara</p>

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		<p>is concerned, the same does not fall within the Coal Block of MCL, and this Hon'ble Court vide its Order dated 15.07.2013 passed in SLP (C) No. 6933 of 2007, stated that since village Ratanrasa and Kiripsara was transferred by the Union of India to other companies, only payment of compensation is the liability of MCL and it may recover the said amount from the successor company. The Petitioner states that it is also pertinent to note that the in practice, and otherwise in all acquisitions the modality adopted is that the Petitioner MCL carries out the survey and preparation of the Project Affected Persons (PAF) list and thereafter the same is submitted to the District Administration which verifies the same and consequent to such verification the District Collector approves the PAF list. Once such PAF list receives the approval from the District Collector, the Petitioner MCL extends the R&amp;R benefits to the persons as figuring in the approved PAF List. Hence, the commission has no role either in preparation of PAF list or in extending employment &amp; Monetary Compensation.</p>
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8. We had heard the concerned learned counsels for the parties on 06.08.2024 permitting them to file brief note of submissions, which they have filed.
9. Though the case has a chequered history, to put it in nutshell, the Claims Commission was appointed by this Court vide the order dated 19.07.2010 passed in SLP(C) No. 6933 of 2007, for determining the claim of compensation in respect of vast portions of lands acquired by the Central Government in Village Gopalpur and others of the District Sundergarh, Orissa. The said Commission was set up for carrying out the exercise for the following villages.
  - (i) Sardega
  - (ii) Jhupurunga
  - (iii) Ratansara
  - (iv) Tikilipara
  - (v) Siarmal
  - (vi) Tumulia

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- (vii) Karlikachhar
  - (viii) Kulda
  - (ix) Bankibahal
  - (x) Balinga
  - (xi) Garjanbahal
  - (xii) Bangurkela
  - (xiii) Kiripsira
  - (xiv) Lalma R.F.
10. Out of the afore stated villages, part payment was already made at the relevant time in case of villages Sardega and Tikilipara and full payment was made in case of villages Bankibahal and Balinga, however the possession was not fully taken.
  11. Based on the Report submitted by the Claims Commission in relation to the village Gopalpur, this Court had passed an order dated 19.04.2012 approving the recommendations contained therein and made it an order of the Court.
  12. Following the Gopalpur model, the Commission had submitted the reports for the villages Balinga, Bankibahal, Sardega and Tikilipara, and this Court vide the order dated 08.08.2012 had approved the said reports, and observed that the Commission may follow as far as practicable, the same basis in other villages for which compensation was yet to be fixed. It further appears that thereafter vide the order dated 10.04.2013, this Court accepted and approved the Commission's Reports with respect to villages Kulda and Garjanbahal, and vide the order dated 15.07.2013 for the village Karlikachhar. It further appears that this Court also took notice of the fact that the lands in two villages namely Kiripsara and Ratansara were transferred by the Central Government to some other Companies, and therefore observed that the payment of compensation would be MCL's liability at the initial stage, and it could later recover the sums from the successor companies.
  13. This Court disposed of the said SLP on 10.07.2017 after receiving the report from the Commission and considering the recommendations made by the Amicus Curiae in respect of the outstanding issues.

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The Court observed that “we are broadly in agreement with the recommendations made by the learned Amicus. We, however, leave it open to the appellants or any other affected parties to put forward their objections before the High Court/ Commission since we are inclined to leave such matters to be dealt with by the High Court/ Commission.”

14. It appears that thereafter several applications were moved by the MCL and also by the land owners seeking a range of directions, and some had also filed the contempt proceedings. This Court vide the detailed judgment dated 03.11.2022 passed in M.A. No. 231 of 2019 in SLP (C) No. 6933 of 2007 along with other Contempt Petitions disposed of the same after dealing with all the contentious issues and recording the findings thereon. The Court gave final directions in Paragraph 68 as under: -

**“Conclusions and Directions**

**68.** Having regard to the following discussion, it is held as follows:

- i. Re point no.1 - compensation for the land acquired: cut-off date for determining compensation for land acquired is to be based upon the cut-off date approved by this court in relation to village Gopalpur, i.e., September 2010. At the same time, it is directed that since common cut-off date has been accepted, all benefits flowing from it, including statutory interest upon compensation and solatium, is determinable on the basis of that cut-off date for the entire acquisition.
- ii. Re point no. 2 - on the applicability of the R&R Act, 2013: the R&R Act cannot apply prior to the date it was brought into force i.e., before 01.01.2014. In the present case, it applies from the date the Central Government issued a notification bringing into force the proceedings of the First, Second and Third Schedules to the enactment specified in the Fourth Schedule, which in this case was the CBA Act. The date therefore, on which the R&R Act, 2013 is applicable from, is 28.08.2015. Additionally, the

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report which was finalised before that date cannot be interfered with. The land owners and displaced families residing in the villages for which reports were prepared earlier than 28.08.2015, would not therefore be entitled to the benefits of the R&R Act, 2013. Hence, the benefits of the R&R Act apply to displaced families and land owners of Kiripsira, Ratansara, Jhupuranga and Tumulia.

- iii. Re point no. 3, 4 and 5:
- a. It is held that the R&R Policy 2006 as amended by the 2013 policy applies for the purpose of employment benefits.
  - b. A family unit would comprise of head of family or father, a major son, and an unmarried daughter having regard to the definition and the note appended thereof. In case, for some reason, the major son cannot be given employment, and there exists a major grandson, he would then be eligible for consideration. In other words, two members (father and son or father and grandson) would be eligible for employment and not three, in addition to the unmarried daughter who is also to be treated as separate unit.
  - c. This court is of the opinion that the Commission could not reopen determinations based upon change of policies of the State given that the benefits adjudicated by it based on factual determinations has crystallised. In many cases, MCL has actually provided employment to several individuals. Consequently, it is held that all cases that have been adjudicated and were approved by this court cannot be reopened.
- iv. Re point no. 6:
- a. On the point of housing plots, it is hereby declared and directed that the State and MCL are under an obligation to ensure that the land acquired by it in those areas which are to be developed, have to be developed. The State Government shall ensure that at least three nodal officers from the departments

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concerned are deployed for facilitating this task of coordinating with all agencies and ensuring that the development of the plots duly takes place to enable the Collector to make the necessary allotments within the time indicated. These nodal officials shall be duly empowered by the state, through appropriate notifications to issue all necessary consequential orders, for the implementation of resettlement and rehabilitation measures. The Chief Secretary of the Orissa State Government shall select the officers, and issue the necessary notifications. Furthermore, the State shall ensure that these officers are not posted out, for at least 3 years, or till the task of rehabilitation and resettlement is completed.

- b. The Collector shall ensure that the plots earmarked are duly notified for the concerned villages and land owners by giving due publicity and adequate notice. The views of the landowners shall be ascertained and noted, for which purpose, adequate notice shall be given, specifying the venue, date and time of consultation.
- c. In case any individual land owner(s) are not interested for allotment of the plots, it is open for them to state so. The Collector shall in such event record their disclaimer expressly in writing and issue a certificate. In that event the displaced family would be entitled to a one-time cash settlement of Rs.25 lakhs.
- d. After ascertaining the number of displaced families' entitlements, and having regard to the availability of plots, the Collector shall conduct a draw of lots, and if needed, more than one draw of lots, whereby plots are allotted to the concerned displaced families. In case, for any reason such plot or plots cannot be handed over within two years, or are not available, the leftover families so to say would be entitled to the one-time compensation of Rs.25 lakhs with interest @ 7% per annum, for two years.

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- v. Re point no. 7:
- a. The State shall ensure that all facilities and amenities are developed in accordance with the Third Schedule to the R&R Act, 2013 within three years in which plots are handed over to the displaced families or in any event within three years from the date of this judgment. The necessary funding for this purpose shall be by MCL, in addition to the State's obligation to spend its resources.
- b. The members of the SC/ST communities shall be entitled to the preservation and protection of their status in view of Section 42 of the R&R Act, 2013. Consequently, the concerned Collectors shall ensure that appropriate caste certificates are issued in this regard, given that land owners have been moved involuntarily and would have to migrate to other areas.
- vi. This court further directs that compensation determination in any event shall be completed and payments made within six months from today. The Commission shall ensure that this task is taken up as far as possible and completed within that time frame. Consequently, the Commission shall finalize the reports for villages Kiripsira and Ratansara. As regards the reports of Jhupuranga, and Tumulia, the Commission shall complete the task of redetermining compensation within three months. The State shall ensure that compensation in respect of four villages is determined in accordance with the R&R Act, 2013. Wherever compensation has not actually been disbursed, the State shall do so within 6 months from pronouncement of this judgment.
- vii. MCL is under an obligation to ensure that employment benefits are granted and extended and offers are made in accordance with the 2013 policy in all cases where the lists of those who opted for employment has not been finalised. It is clarified in this regard that wherever employment has been obtained, the same shall not be reopened. Likewise, the question of

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reopening entitlements for employment, based upon the interpretation of this court shall not be reopened in case of villages where reports have been accepted through previous orders.

- viii. In the event any family undertakes that its members are not desirous or do not wish to opt for employment, the State shall, through the nodal officers, ensure that the disclaimer is voluntary, and that one-time compensation indicated in the 2006 policy or under the R&R Act, 2013 or the one-time offer of Rs.16 lakhs by MCL, as submitted by the learned ASG (whichever is more beneficial), is paid to the family concerned. The Collector must ensure the same is provided.
- ix. The court hereby directs that the Commission should complete its task and that its report should be the basis for disbursement of compensation, one-time rehabilitation package of Rs.25 lakhs per family as indicated above and employment offer within one year from today. In case of any vacancy in the Office of Chairman of the Commission, the Chief Justice of the Orissa High Court shall nominate a retired judge of that court. In the event of any other vacancy, the Government of Orissa shall nominate the concerned members. However, it is clarified that the government nominees should not be ex-officio or part time members, and should be of the rank and status of Additional Secretary, with experience in the Social Welfare or Revenue Departments at senior levels.
- x. It is further directed that all concerned landowners who have continued to occupy the lands shall vacate it upon the deposit of compensation. MCL shall be immediately granted possession of such lands. The Collector or the concerned authority shall issue a certificate in this regard which shall entitle them to the one-time rehabilitation payment or payment in lieu of compensation or any other benefit under the Act, according to the choice exercised by them in the manner indicated above.

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**69.** It is lastly directed that any fresh dispute, on account of calculation of compensation, disbursement of benefits etc., would be adjudicated by the High Court. This court will not entertain miscellaneous application in individual cases in this regard.”

15. From the said judgment dated 03.11.2022 passed by this Court, it is explicitly clear that this Court after elucidating the issues involved had unequivocably held in Paragraph 32 thereof that the Gopalpur Model for determining the compensation was applied in respect of the villages for which reports were prepared and approved by the courts (Gopalpur, Sardega, Balinga, Bankibahal, Tikilipara, Garjanbahal, Kulda, Karlikachhar, Siarmal, and Bangurkela). However, in regard to four villages i.e., Tumulia, Jhupuranga, Ratansara, and Kirpsara, no award was approved on the said date.

16. The Court further held in Paragraph 34 as under: -

**“34.** In the light of the above discussion, it is held that the First Schedule of the R&R Act, 2013 is applicable to the acquisition in question, made by the Central Government in favour of MCL, in respect of the villages, the reports of which were not approved prior to 28.10.2015. Accordingly, the compensation based upon the market value for the four villages i.e., Tumulia, Jhupuranga, Ratansara, and Kirpsara have to be re-determined in accordance with the provisions of the First Schedule to the R&R Act, 2013. Since the extent to land involved, identification of land owners, and the basic market value along with solatium and interest payments, have been determined, the only additional exercise which the Commission has to carry out is the differential payable after the re-determination in respect of all the elements i.e., the market value, solatium, and further interest. It is also further clarified that the villages in respect of which this court has already approved reports of the Commission, and entitlements have been determined, even availed of, or pending implementation, i.e., the other ten villages, the issues shall stand finalized - there can be no re-determination on the basis of the present judgment.”

17. The Court after analyzing each and every point meticulously gave clear and precise directions in Paragraphs 68 and 69 quoted above

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and also directed that any fresh dispute on account of calculation of compensation, disbursement of benefits etc. would be adjudicated by the High Court, and this Court will not entertain Miscellaneous Application in individual cases in this regard. Despite such clear conclusions and directions, the present Miscellaneous Applications have been filed seeking directions.

18. In M.A. No. 2662/2023, the Secretary-cum-Administrative Nodal Officer, Claims Commissioner, Bhubaneshwar had sought extension of time to finalise the report of village Ratansara till the end of 30<sup>th</sup> June, 2024.
19. It may be noted that the said Miscellaneous Application was filed in November, 2023. As mentioned hereinabove, this Court had vide the order dated 23.01.2024 extended the term of Commission till 15.07.2024 after recording the statement of Secretary of the Commission that the Commission shall finalise the claim in respect of the village Ratansara by June, 2024. However, the Commission has submitted the status report showing the progress and pendency of work before it as on 27.06.2024.
20. It is pertinent to note that this Court in the judgment and order dated 03.11.2022 had clearly held that the villages in respect of which this Court has already approved the reports of the Commission determining the entitlements in respect of the 10 villages, the issues had stood finalized, and there could be no re-determination on the basis of the said judgment. Accordingly, it was directed in Paragraph 68 (iii)(c) that the Commission can not reopen determinations based on change of policies of the State, given that benefits adjudicated by it based on factual determination has been crystalized and consequently, all the cases that have been adjudicated and approved by this Court can not be reopened. However, the Commission appears to have entertained the cases filed by the land oustees of 10 villages, whose reports have already been finalized and approved by this Court.
21. Similarly, the Commission also appears to have travelled beyond the directions given by this Court in the said judgment dated 03.11.2022, by entertaining the issues raised by the villagers and land oustees of four villages namely Tumulia, kiripsira, Jhupuranga and Ratansara with regard to R&R benefits. With regard to these four villages, it may be noted that this Court in Paragraph 34 of the judgment dated 03.11.2022 had specifically held that “since the extent of land involved,

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identification of law owners, and the basic market value along with solatium and interest payments, have been determined, the only additional exercise which the Commission has to carry out is the differential payable after the re-determination in respect of all the elements i.e. the market value, solatium, and further interest.” This Court had clearly earmarked the task of the Commission and of the other Authorities and given final directions in Paragraph 68 and 69 thereof, which had to be followed accordingly. The Commission also appears to have entertained the issues with regard to the suitability of resettlement sites for shifting of the eligible land oustees, taking recourse to the order passed by this Court on 10.07.2017.

22. In our opinion, the Commission should not have entertained any of these issues, when all the issues have been alluded and dealt with thoroughly by this Court in the judgment dated 03.11.2022.
23. Now, so far as the report submitted by the Commission for the village Ratansara is concerned, it appears that out of the three members, one member of the Commission has given dissenting opinion as regards the Method of calculation adopted by the Commission in its report dated 27.06.2024. Since, the petitioner MCL had already raised objections with regard to the Method of calculation, this Court vide the order dated 10.10.2023 had transferred the issue to the High Court of Orissa and the Writ Petition (C) being No. 39185/2023 in this regard is pending before the said High Court. As stated by the petitioner MCL, it has already made payment towards the compensation for the structure, without prejudice to its rights and contentions as regards the Method of calculation, however, has not made payment with regard to the compensation for the land, by stating that the said compensation shall be paid as per the order that may be passed by the High Court of Orissa in the pending petition.
24. In view of the above, it is directed that the High Court shall decide the Writ Petition (C) being No. 39185/2023, as expeditiously as possible and preferably within three months from the date of receipt of this order. The MCL shall make payment towards the compensation immediately after the final judgment and order is passed by the High Court in this regard. It is clarified that that we have not expressed any opinion on the correctness of the Method of calculation adopted by the Commission so far as village Ratansara is concerned and the High Court shall decide the same considering the rights and contentions

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of the parties as may be legally permissible. It is needless to say that the either of the aggrieved party shall be at liberty to challenge the order of the High Court, if they desire to do so in accordance with law.

25. In the aforesaid premises, no further order for extension of the term of the Commission is passed. The M.A. No. 2662/2023 stands disposed of accordingly.
26. So far as M.A. (D) No.28318/2024 is concerned, the Applicant-Manikeswari Bisthapita Committee has prayed to direct the Commission to prepare PAF/PDF list determining the R & R benefits of the four villages namely Tumulia, Jhupurunga, Kiripsira and Ratansara. In view of the clear and explicit conclusions and directions given by this Court in the judgment dated 03.11.2022, and in view of the above order passed by this Court in M.A. No. 2662/2023, no such directions as prayed for could be issued. Suffice it to say that it shall be open for the applicant/claimants to raise the issues, as may be permissible under the law, before the concerned authorities of the State, in view of the directions given by this Court in the judgment dated 03.11.2022.
27. In that view of the matter the M.A. (D) No.28318/2024 is dismissed. All pending I.A.s filed therein also stand dismissed.
28. The M.A. (D) No.30630/2024 has been filed by the eight applicants praying to direct the Commission to decide their cases at the earliest. The said M.A. also does not survive in view of the above order and is dismissed. All pending I.A.s filed therein also stand dismissed.

*Result of the case: MA's and IA's dismissed.*

<sup>†</sup>Headnotes prepared by: Nidhi Jain