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No. 14/MISC/POLICY/ACQ-II/DE
Govt. of India, Min of Defence
Raksha Sampada Bhawan
Dte General Defence Estates
Delhi Cantt-110010
Dated 06 Jan 2016

To

Principal Directors, DE
Central/Eastern/Northern/Southern/South-Western/Western Commands
Lucknow/Kolkata/Jammu/Pune/Jaipur/Chandigarh

SUB: DEPOSIT OF DECRETAL AMOUNT IN ACQUISITION CASES

Reference this Dte General letter No. 204/3/53/ACQ/WC/DLC dated 27.06.1986 (copy enclosed).

2. To avoid accumulation of interest liability and subsequent payment of huge compensation to ex-land owners, following steps are suggested:

(i) If the appellate Court (High Court or Supreme Court) has not granted stay, payment under Suspense Head should be considered;

(ii) Proposals seeking sanction under Suspense Head shall be initiated after obtaining opinion of the Central Govt. Standing Counsel or Assistant/ Additional Solicitor General appointed for the High Court as the case may be;

(iii) The PDs DE will examine each proposal seeking sanction under Suspense Head with due diligence and release payment after considering opinion of the CGSC or Government Counsel defending the litigation on behalf of UOI; and

(iv) Payment shall be deposited by the DEOs in the Reference Court (District level) alongwith an application praying therein that the amount be kept in fixed deposit till the aforesaid appeal is decided, since recovery of excess amount from the ex-land owners will be a difficult task, in case of admission and eventual decision favourable to UOI.

3. Instructions on depositing decretal amount in acquisition cases under Suspense Head were issued vide Dte General letter quoted above. It deliberated situations where pending disposal of FAOs/RFAs against the awards of Reference Courts/ Arbitrator filed by us, Execution Courts pass orders to adopt coercive measures such as attachment of office furniture and properties of various departments of the Central Government to recover the decretal amount.

4. The said instructions further stated,

"to avoid the above situation, it is necessary that the amount of enhanced compensation is deposited in the concerned Court with a prayer that the UOI has filed an appeal against the order and that if the amount is released to the parties adequate security may be obtained. The aforesaid action should be taken in consultation with Government Counsel. The cash assignment in such cases may be released out of 'Suspense Head' under Ministry of Defence

letter No. 201/228/ACQ/DLC/361-S/D(Lands) dated 22.10.1982. However, in cases, where it is decided not to file an appeal, self contained proposal together with all relevant documents should be initiated for issue of Govt. sanction under Charged Head"

5. The above instructions are apparently construed by the PDs DE and the DEOs to be instructions to release payment under Suspense Head only to thwart the adverse effect and embarrassment caused by the orders of Execution Court on filing of execution applications by the ex-land owners.

6. Therefore, you are advised to instruct the DEOs under your jurisdiction to examine all pending litigations arising out of acquisition of land for defence purposes in the light of suggestions at para 2 above and initiate necessary action, wherever required.

7. This has the approval of DGDE.

G. S. Rajeswaran

(G.S. Rajeswaran)
Addl Director General
For Director General
Defence Estates

Copy to;

1. All officers in DGDE
2. AU & RC
3. NIDEM
4. IT Wing
5. All DEOs/CEOs

FOR KENNETH AGEN: SH. M. L. RANGAY, 1-8 09

(COPY)

NO. PC to 204/3/53/102/AC/DLC
 Government of India, Ministry of Def.,
 Dts. Genl, Defence Estates, New Delhi
 the 27 June, 1986.

The Director, D...
 Ministry of Defence,
 Central / Western / Eastern / Northern / Southern Command
 Lucknow / Panchkula / Calcutta / Jammu / Pune.

Subject: Deposit of Debetal amount in acquisition cases

A number of instances have come to our notice wherein land reference / arbitration cases the courts have enhanced the acquisition compensation awarded by the Land Acquisition Collector/Competent authority, appeals and applications for stay are filed by us on the basis of legal advice. But such appeals are taken up for consideration in their own turn after considerable time. In the intervening period the decree holders file execution applications for payment of enhanced compensation. In the event of our failure to deposit the amount immediately the courts have in the past attached office furniture and the properties owned by various Departments of the Central Government causing embarrassment to the Government.

To avoid the above situation it is necessary that the amount of enhanced compensation is deposited in the concerned court with a prayer that the Union of India has filed an appeal against the order and that if the amount is released to the parties adequate security may be obtained. The aforesaid action should be taken in consultation with Government Counsel. The cash assignment in such cases may be released out of 'Suspense Head' under Ministry of Defence letter No. 201/228/301/DLC/361-S/D(Lands) dated 22.10.82. However, in cases where it is decided not to file an appeal self-contained proposal together with all relevant documents should be initiated for issue of Government sanction under "Charged Head". It may be clarified that DEOs/ADLO should personally verify the correctness of the amount of enhanced compensation which should be further checked by your Directorate.

3. You are advised to examine the cases of the above nature carefully and expeditiously so that there is no delay and interests of the Government are fully protected.

Director General,
 Defence Estates, Ministry of Defence
 (K.M. 523/1986)

Copy to:-

1. Joint Director, Defence Estates, Shillong.
2. All Defence Estates Officers.
3. All Asstt. Defence Estates Officers.

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 4/3/86
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