

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. LA(A)-23-2014-³³⁶¹⁰⁵ R&D.M Dated the 3rd December, 2015

From

Dr Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors,

Sub: Coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013: cutoff date for calculation of market value in LA Cases initiated prior to 31.12.2013 regarding

Ref: This Department letter No.4030/R&DM dated 07.02.2014 and No.23560 dated 11.08.2014

Madam/Sir,

In inviting a reference to the subject cited above, I am directed to say that as there was no cutoff date was indicated in the new Act, instruction was issued in this Department letter No.4030 dated 07.02.2014 to accept the date of coming into force of the new RFCTLAR&R Act i.e. 01.01.2014 as the cutoff date for calculation of market value of the land under acquisition in LA cases initiated prior to 31.12.2013. Subsequently, the matter was reexamined by Government and instruction was issued in this Department letter No.23560/R&DM dated 11.08.2014 that market value of land in cases initiated prior to 31.12.2013 shall be determined at the rate as on the date of notification u/s 4(1) of the L.A.A Act, 1894.

2. Land owners in certain cases including Remuna Project have represented to Government to reconsider the decision in view of the fact that land cost of the acquired land has increased substantially during the period from date of 4(1) notification under the old Act and date of commencement of the new RFCTLAR&R Act and thereby, land owners are bearing heavy monetary loss.

3. In the meantime, Joint Secretary, Department of Land Resources, Ministry of Rural Development, Government of India vide his D.O. No. 13013/01/2014-LRD(Pt), dated 26.10.2015 (copy enclosed) has clarified that the reference date for calculation of market value under section 24(l) (a) should be 01.01.2014 (commencement of RFCTLAR&R Act, 2013). Under Section 26 of the Act reference date is date of preliminary notification, but section 24 is a special case of application of the Act in retrospective cases, and a later date of determination of market value is

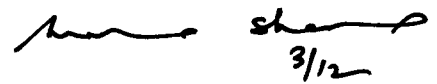
suggested with a view to ensure that the land owners/ farmers/affected families get enhanced compensation under the new RFCTLAR&R Act.

4. Keeping the above in view, Government after careful consideration have been pleased to instruct that the cutoff date for ascertaining market value for calculation of compensation shall be the date of commencement of the RFCTLAR&R Act, 2013 i.e. 01.01.2014 in following cases initiated prior to 31.12.2013.

- In cases, where no Award under section 11 of the old Act has been passed.
- In cases, where Award has been passed, but compensation in respect of a majority of land holdings has not been paid/ deposited in the account of beneficiaries as specified in 4(1) Notification. In such cases, all beneficiaries (including those who have already received the compensation) shall get enhanced compensation as per the new Act.
- However, this shall not be applicable to cases initiated prior to 31.12.2013, where award has been passed and compensation paid in case of majority of holdings.

5. The earlier instruction issued in this Department letters under reference is modified to the above extent.

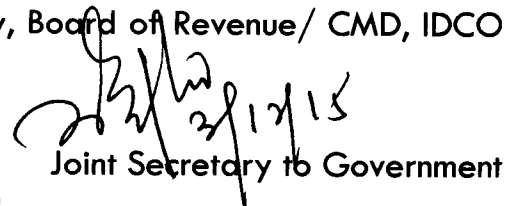
Yours faithfully,



Principal Secretary to Government

Memo No. ³³⁴¹⁰⁶ /R&DM Dated 3.12.2015

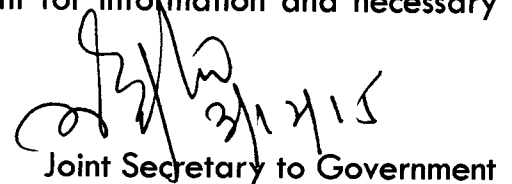
Copy forwarded to all RDCs, Secretary, Board of Revenue/ CMD, IDCO for information and necessary action.



Joint Secretary to Government

Memo No. ³³⁴¹⁰⁷ /R&DM Dated 3.12.2015

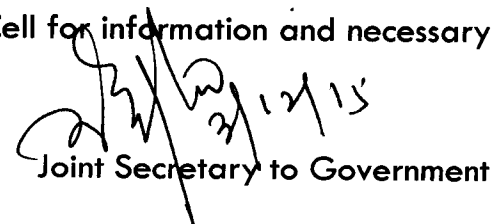
Copy to all Departments of Government for information and necessary action.



Joint Secretary to Government

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Copy to all Officers/all Branches/IMU Cell for information and necessary action.



Joint Secretary to Government