

Atomic Energy Act, 1962

Section 21 - Principles Relating to Payment of Compensation

(1) Save as otherwise provided in this Act, where by reason of exercise of any powers under this Act, any compensation is payable, the amount of such compensation shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say--

(a) where the amount of compensation is fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement is reached, the Central Government shall appoint as arbitrator a person having expert knowledge as to the nature of the right affected who shall determine the amount of compensation payable.

(2) In making his award, the arbitrator appointed under sub-section (1) shall have regard--

(a) in the case of any compensation payable under section 9--

(i) to the nature of the work done;

(ii) the manner, extent and duration of the exercise of any powers under that section;

(iii) the diminution in the rent of the land and of the property situated thereon, which might reasonably be expected over any period or diminution in the market value of the land and property on the date when the exercise of powers comes to an end; and

(iv) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, in so far as such provisions can be made applicable to the exercise of powers under section 9; and

(b) in the case of any compensation payable under S. 11 or under section 12, to the price which the owner might reasonably have been expected to obtain on a sale of the property effected by him immediately before the date of the acquisition.

(3) An appeal shall lie to the High Court against an award of the arbitrator except in cases where the amount claimed thereof does not exceed an amount prescribed in this behalf by the Central Government.

(4) The Central Government may make rules prescribing the procedure to be followed in arbitrations under this Act and the principles to be followed in the apportionment of the cost of proceedings before the arbitrator and on appeal.

(5) Save as provided in this Act, nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this Act.