

Education Act, 1983

Section 75 - Principles and Methods of Determining Amount for Property Requisitioned or Acquired

(1) Where any property is requisitioned or acquired under this Act, the amount payable therefor shall be as determined and paid in the manner and in accordance with principles hereinafter set out, that is to say,-

(a) where the amount is settled and fixed by agreement it shall be paid accordingly;

(b) where there is no such agreement, the State Government shall appoint as arbitrator a person who is holding or has held a judicial office not below the rank of a District Judge, for determining the amount;

(c) at the commencement of the proceedings before the arbitrator the State Government and the person to whom the amount is payable shall state what according to them is the fair amount;

(d) the arbitrator shall after the enquiry determine the amount which appears to him to be just and specify the person or persons to whom such amount shall be paid and in making the award determining the amount he shall have regard to the circumstances of each case and the provisions of sub-section (2), (3), (4) and (5) so far as they are applicable;

(e) where there is any dispute as to the person or persons who are entitled to the amount, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to the amount, he shall apportion the amount amongst such persons according to their rights; and

(f) nothing in the Arbitration Act, 1940 (Central Act 10 of 1940) shall apply to arbitrations under this section.

(2) The amount payable for the requisitioning of any property, movable or immovable, shall in respect of the period of requisition, be a sum equal to the rent which would have been payable for the use and occupation of the immovable property or for the use of the movable property if it had been taken on lease for that period.

(3) The amount payable for the acquisition of any immovable property under section 74 shall be,-

(a) the price which the requisitioned property would have fetched in the open market if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition, or

(b) twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of requisition,

whichever is less.

(4) The amount payable for the acquisition of any movable property shall be the price which such property would have fetched in the open market if it had been sold on the date of acquisition.

(5) Where any property requisitioned or acquired under this Act was acquired with the grant from the State funds, the amount of such grant shall be taken into account in the prescribed manner in determining the amount payable.

Explanation.- For purposes of this sub-section, all the property acquired by the educational institution shall be deemed to have been acquired with the aid of such grant, contribution, donation or collection unless the Governing Council of the educational institution proves to the satisfaction of the arbitrator that the property has been acquired otherwise.

