

In the High Court of Punjab and Haryana at Chandigarh

- 1. Cross Objections Nos. 144-CI of 2010 in/and
Regular First Appeal No. 1725 of 2010 (O&M)
Date of Decision: 13.5.2015.**

Bharat Petroleum Corporation LimitedAppellant

Versus

Omvir and othersRespondents

- 2. Cross Objections Nos. 143-CI of 2010 in/and
Regular First Appeal No. 1726 of 2010 (O&M)**

Bharat Petroleum Corporation LimitedAppellant

Versus

Sukhram and othersRespondents

- 3. Regular First Appeal No. 1930 of 2011 (O&M)**

Bharat Petroleum Corporation LimitedAppellant

Versus

Gram Panchayat and othersRespondents

- 4. Regular First Appeal No. 1927 of 2011 (O&M)**

M/s Bharat Petroleum Corporation LimitedAppellant

Versus

Dal Chand and othersRespondents

5. Regular First Appeal No. 1928 of 2011 (O&M)

M/s Bharat Petroleum Corporation LimitedAppellant

Versus

Kishan Singh and othersRespondents

6. Regular First Appeal No. 1929 of 2011 (O&M)

M/s Bharat Petroleum Corporation LimitedAppellant

Versus

Chhatar Singh and othersRespondents

**7. Cross Objections Nos. 119-CI of 2011 in/and
Regular First Appeal No. 1933 of 2011 (O&M)**

Bharat Petroleum Corporation LimitedAppellant

Versus

Om Parkash and othersRespondents

8. Regular First Appeal No. 1934 of 2011 (O&M)

Bharat Petroleum Corporation LimitedAppellant

Versus

Omvir and othersRespondents

9. Regular First Appeal No. 536 of 2012

Gram PanchayatAppellant

Versus

State of Haryana and othersRespondents

10. Regular First Appeal No. 878 of 2012

Gram PanchayatAppellant

Versus

State of Haryana and othersRespondents

11. Regular First Appeal No. 892 of 2012

Gram PanchayatAppellant

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Raman Sharma, Advocate
for the appellants-Bharat Petroleum Corporation Ltd.

Mr. Gorav Kathuria, Advocate
for the appellants-Gram Panchayat.

Mr. Adarsh Jain, Advocate
for the land owners.

Mr. B.S.Tewatia, Advocate
for the cross-objectors.

Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J.

Vide this judgment, above mentioned appeals as well as

cross objections would be disposed of as the controversy involved in all the cases is the same.

Vide notification dated 11.10.2004 under Section 4 of the Land Acquisition Act, 1894 ('Act' for short), land measuring 48 acres in village Piyala was sought to be acquired for setting up Pipeline Terminal and Link Road for the plant of Bharat Petroleum Corporation Limited (a Government of India Undertaking) at Faridabad ('Corporation' for short). Declaration under Section 6 of the Act was issued on 30.12.2004. The Collector vide its award dated 17.2.2005 determined the market value of the acquired land at the rate of ₹ 10,00,000/- per acre for plain area and ₹ 7,00,000/- per acre for low lying area. Dissatisfied with the amount of compensation awarded by the Collector, the land owners sought references under Section 18 of the Act. The Reference court vide separate awards assessed the market value of the land at the rate of ₹ 745/- per square yard. Hence, the present appeals by the Corporation as well as Gram Panchayat and the cross objections by the land owners.

Learned counsel for the Corporation has submitted that the Reference court had erred in basing reliance on sale deed dated 1.4.2004 Exhibit P-6. In fact, owner of the land had executed a lease deed in favour of Jai Pal Singh for 99 years. The owner had also executed a general power of attorney in favour of lessee Jai Pal Singh. Jai Pal Singh executed sale deed qua 2 *kanals* of land in favour of his wife. No sale consideration had passed between the parties before the Registrar. Hence, the sale deed Exhibit P-6 was a fictitious one to claim compensation at a much higher rate. This aspect had not been considered by the Reference Court while basing reliance on sale deed Exhibit P-6. Learned counsel for the

Corporation has further submitted that the Reference Court has also failed to consider the aspect as to how much compensation was to be awarded for plain area and low lying area. No reasons had been given by the Reference Court while uniformly assessing the market value of the acquired land at the rate of ₹ 745/- per square yard.

Learned counsel for the land owners as well as Gram Panchayat, on the other hand, have submitted that the land owners were, in fact, entitled to receive the compensation at a much higher rate than allowed by the Reference Court.

In the present case, the Collector had given the finding that out of the acquired land, 34.18125 acres of land was low lying area, 0.66875 acres of land was passage and 12.875 acres of land was plain area. Collector had noticed/considered the *khasra* numbers of the plain area, low lying area and passage. The Collector had assessed the market value of the plain area of land at the rate of ₹ 10,00,000/- per acre and for low lying area at the rate of ₹ 7,00,000/- per acre. A perusal of the award passed by the Reference Court reveals that the Reference Court has not gone into the matter as to how much compensation was liable to be assessed viz-a-viz the plain area and low lying area. The Reference Court has given no reasons at all while assessing the market value of the acquired land at a uniform rate. The Reference Court while relying on sale deed Exhibit P-6 has failed to take in consideration the arguments raised by the learned counsel for the Corporation to the effect that the said sale deed was a fictitious document.

In view of the facts and circumstances of the present case, it would be appropriate to set aside the awards passed by the Reference court and direct the Reference Court to pass a fresh

award, in accordance with law.

Accordingly, the impugned awards passed by the Reference Court, are set aside and the references are remanded back to the Reference Court to be decided afresh, in accordance with law. Parties are directed to appear before the Reference Court on 20.7.2015.

All the appeals as well as cross objections stand disposed of accordingly.

**(SABINA)
JUDGE**

**May 13, 2015
Gurpreet**