

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RFA No.6898 of 2011 (O&M)

Date of decision: 25.8.2015

Dal Chand

..... Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Adarsh Jain, Advocate, for the landowners.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Mr. Raman Sharma, Advocate, for respondent No.4.

RAJESH BINDAL, J

This order will dispose of three appeals bearing RFA Nos.6898, 6899 of 2011 and 6400 of 2014, as common questions of law and facts are involved therein.

By the filing the appeal, the landowner(s) are seeking enhancement of compensation for the acquired land, whereas by filing appeal Bharat Petroleum Corporation Limited (for short 'the Corporation') is seeking reduction thereof.

Brief facts of the case are that the State of Haryana vide notification dated 11.10.2004, issued under Section 4 of the Act sought to acquire land measuring 47.725 acres situated within the revenue estate of village Piyala, Hadbast No.54, Tehsil Ballabgarh, District Faridabad, for setting up of a POL Depot i.e. Pipeline Terminal and Link Road for the Plant BPCL at Faridabad. Notification under Section 6 of the Act was issued on 30.12.2004. The Land Acquisition Collector (for short, 'the Collector') vide award dated 17.2.2005 assessed the market value of the acquired land @ ₹ 10,00,000/- per acre for plain area and ₹ 7,00,000/- per acre low laying area. The landowners feeling dissatisfied with the award of the Collector, filed objections. Considering the material placed on record, the learned court below vide its award dated 8.2.2011, determined the

market value of the land @ ₹ 745/- per square yard. This award has been impugned by the landowners as well as the Corporation before this Court.

Learned counsel for the parties are agreed that the issue raised in the present set of appeals is squarely covered by the judgment of this Court passed in RFA No.1725 of 2010—Bharat Petroleum Corporation Limited v. Omvir and others, decided on 13.5.2015, whereby the matter has been remanded back to the learned Reference Court for decision afresh.

Accordingly, for the reasons recorded in Omvir's case (supra), the present appeals are also remanded back to the court below to be decided afresh.

Parties through their counsels are directed to appear before learned District Judge, Faridabad on 19.9.2015. It is directed that the present cases be also entrusted to the learned Court which is dealing with the cases remanded earlier.

(RAJESH BINDAL)
JUDGE

25.8.2015

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