

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

CM No.8718-CI of 2015 and
RFA No. 4516 of 2015 (O&M)
Date of decision :2.12.2015

Braham Pal (deceased) through LR's and another
... Appellants
vs
State of Haryana and others
.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sonu Giri, Advocate for
Mr. Sandeep Sharma, Advocate, for the appellants.
Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

By filing the present appeal, the landowners are seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 523 days in filing thereof, has also been filed.

Briefly, the facts of the case are that State of Haryana vide notification dated 29.1.2003, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land measuring 3282 kanals 19 marlas 7 sarsai situated in village Mohammadpur Jharsa, Tehsil and District Gurgaon for setting up of Industrial Complex to be planned and developed as Special Economic Zone ('SEZ') Phase-I in Mohammadpur Jharsa. The same was followed by notification dated 28.1.2004, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award No.4 dated 27.1.2006, assessed the market value of the acquired land @ ₹ 15,00,000/- per acre within urbanisable limits of Gurgaon City and ₹ 12,50,000/- per acre outside the urbanisable limit for all kinds of land. Aggrieved against the award of the Collector, the land owners filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, enhanced the market value of the acquired land to ₹ 31,50,000/- per acre for all kinds of

land. The aforesaid award has been impugned by the landowners in the present appeal.

CM No.8718-CI of 2015

For the reasons stated in the application and considering the judgment of Hon'ble the Supreme Court in Imrat Lal and others vs Land Acquisition Collector and others 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. vs Haryana State and others 2015 (2) RCR (Civil) 507, delay of 523 days in filing the appeal is condoned. However, for the period of delay, the applicants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

CM stands disposed of.

CM No.4516 of 2015

Learned counsel for the landowners submitted that the claim made in the present appeal is squarely covered by judgment of this Court in RFA No. 2174 of 2012 - Smt. Savitri Devi vs The Land Acquisition Collector, Gurgaon and others, decided on 23.9.2014, and of Hon'ble the Supreme Court in Civil Appeal No. 3412 of 2015 Sachin and others vs State of Haryana and others, decided on 31.3.2015, whereby compensation for the same acquired land was enhanced further.

Learned counsel for the State did not dispute the aforesaid fact.

Accordingly, for the reasons recorded in Smt. Savitri Devi and Sachin's cases (supra), the present appeal is disposed of in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeal i.e. 523 days.

2.12.2015

sharmila

(Rajesh Bindal)

Judge