

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

CM No.12956-CI of 2015 and
RFA No. 6331 of 2015 (O&M)
Date of decision :16.10.2015

Haryana State Industrial & Infrastructure Development Corporation and
another

... Appellants

vs

Banwari Lal and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Deepak Sabherwal, Advocate, for the appellants.

Rajesh Bindal, J.

This order will dispose of five appeals bearing RFA Nos.6331 to 6335 of 2015, as common questions of law and facts are involved therein.

The Haryana State Industrial & Infrastructure Development Corporation (for short 'the Corporation') is in appeal seeking reduction of compensation awarded to the landowners for the acquired land. Along with the appeal, application seeking condonation of delay of 489 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 12.12.2008, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire 15 kanals and 9 marlas of land, situated within the revenue estate of village Fajalwas, Tehsil Manesar, District Gurgaon for construction of grade separator on NH-8 KMP Expressway connecting NH No. 1, 10, 8 and 2. The same was followed by notification dated 25.2.2009, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award dated 11.8.2009, assessed the market value of the acquired land @ ₹ 35,00,000/- per acre. Aggrieved against the award of the Collector, the landowners filed

objections. On reference under Section 18 of the Act, the learned court below assessed the market value of the acquired land @ ₹ 66,05,872/- per acre. The same has been impugned by the Corporation before this Court.

Learned counsel for the Corporation did not dispute the fact that for the purpose of assessment of compensation, the learned reference court had relied upon its earlier award Ex.PX and further that the appeal against that award was dismissed by this Court vide order dated 28.9.2015 passed in RFA No. 5106 of 2015- Haryana State Industrial & Infrastructure Development Corporation v. Shobha Devi and others as there was delay of 540 days in filing the appeal. In the present set of appeals also there is a delay of 489 days in filing the same, for which no explanation is forthcoming.

Accordingly, for the reasons recorded in Shobha Devi's case (supra), the applications for condonation of delay in filing the appeals are dismissed. Consequently, the appeals and other accompanying application are also dismissed. The action as suggested in the aforesaid order shall be followed even in the present set of appeals.

16.10.2015

sharmila

(Rajesh Bindal)

Judge