

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-3907-2016 (O&M)
Date of Decision: April 27, 2017

Vidhya Dhar

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. B.K. Bagri, Advocate,
for the appellant.

ARUN PALLI, J. (ORAL)

CM-10785-CI-2016

Allowed as prayed for.

CM-10786-CI-2016

This is an application for condonation of delay of 1600 days in filing the accompanying appeal. All what has been urged by the learned counsel for the applicant is that the matter in issue is squarely covered by the order and judgment, dated 11.05.2016, rendered by this Court in **RFA No. 2057 of 2012 (Jai Lal v. State of Haryana and others)** and other connected matters, vide which the compensation awarded to the claimants/landowners was enhanced by this Court.

Notice in the application.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Yogesh Chaudhary, Advocate, for respondent No. 3.

The factual position, as set out above, is not disputed by learned counsel for the respondents.

records.

In the wake of the decisions of the Supreme Court in **Imrat Lal and others v. Land Acquisition Collector and others**, 2015 (2) R.C.R. (Civil) 437; and **Dhiraj Singh (D) Tr. LRs. v. Haryana State and others**, 2015 (2) R.C.R. (Civil) 507, delay of 1600 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal, the applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-10787-CI-2016:

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed subject to all just exceptions. Consequently, the LRs of deceased proforma respondent No. 5, Jai Lal, son of Lal Singh, as depicted in para No. 2 of the application, are brought on record for the purpose of the present appeal only.

RFA-3907-2016

Vide notification dated 14.02.2008, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), the land situated in villages Sudharana and Lilodh, Tehsil and District Rewari, was sought to be acquired for construction of Marry Go Round (MGR) railway line for Arawali Power Company Pvt. Ltd., Jharli, District Jhajjar. The final declaration under Section 6 was published on 14.02.2008. The Land Acquisition Collector, vide Award No. 1, dated 31.12.2008, had assessed the market value of the acquired land at Rs.16,00,000/- per acre. Being aggrieved by the assessment as also the compensation awarded by the

Act. Resultantly, the dispute was referred to the Civil Court. On a consideration of the matter in issue, the Reference Court vide award dated 16.12.2011, enhanced the compensation awarded to the claimant/landowners at Rs.18,00,000/- per acre. That is how, the claimant/landowner is before this Court.

Learned counsel for the parties submit, at the outset, that the matter in issue is squarely covered by the order and judgment dated 11.05.2016, rendered by this Court in RFA No. 2057 of 2012 (Jai Lal v. State of Haryana and others) and other connected matters, vide which this Court had enhanced the compensation awarded to the claimants/landowners to Rs.32,77,452/- per acre. However, against the decision of this Court, both the parties have preferred appeals before the Supreme Court. It is submitted that in the appeal [SLP (C) No(s). 18034 of 2016, titled **Arawali Power Company Pvt. Ltd. v. Joginder Singh Tokash and others**] preferred by the respondent, vide order dated 26.08.2016, the Supreme Court had stayed payment of 75% of the enhanced amount to the claimants. However, the respondents were granted four weeks time to deposit the balance 25% of the enhanced compensation with the Executing Court, which the claimants were permitted to withdraw on furnishing security. Concededly, the Supreme Court is in seisin of the dispute to date. However, during the course of hearing, learned counsel for the parties have reached a consensus; that let this appeal be disposed of in terms of the decision of this Court in the case of **Jai Lal (supra)**, and the claimant shall not seek execution of the proposed order, but shall only be entitled to withdraw an amount equal to 25% of the enhancement awarded by this Court, till the matter is finally

(supra). Further, both the parties undertake and agree to abide by the decision of the Supreme Court, whether the compensation awarded by this Court is reduced or is further enhanced.

In the wake of the above, the present appeal is disposed of in terms of the decision of this Court rendered in the case of **Jai Lal (supra)**. However, the respondents shall deposit an amount equal to 25% of the enhancement granted by this Court, with the Executing Court, within four weeks from today. And the claimant/landowner shall be entitled to withdraw the said amount on furnishing security to the satisfaction of the executing Court. However, the balance 75% of the enhanced amount shall not be released to the claimant/landowner till the decision of the Supreme Court in the case of **Joginder Singh Tokash (supra)**. For, learned counsel for the parties are *ad idem* that they shall abide by the decision of the Supreme Court, in both the possibilities; (a) the compensation assessed by this Court is reduced; and (b) there is a further enhancement in the compensation awarded to the claimants, an undertaking, in the above terms, shall be furnished by the parties before the Executing Court within four weeks from today. Copy thereof, shall also be placed on record of this Court. In the event any difficulty is faced either in construction or implementation/enforcement of this order, both the parties shall be at liberty to move an appropriate application.

The appeal stands disposed of in the above terms.

(ARUN PALLI)
JUDGE

April 27, 2017
P Kapoor

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO