

**RFA No. 7037 of 2015 (O&M)
& other connected matters**

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

**RFA No. 7037 of 2015 (O&M)
Date of decision: 27.11.2017**

**Haryana State Industrial Infrastructure Development Corporation and
another**

..... Appellants

Versus

Ram Phal and others

..... Respondents

and other connected matters, i.e.

Filed By	Case Nos.
HSI IDC	RFA Nos. 7038, 7041 to 7046, 7048 to 7054, & 7083 to 7100 of 2015 (O&M)
Claimant/Landowners	RFA Nos. 4961 to 4964 of 2017 (O&M)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present : For HSI IDC:

Mr. Pravindra Singh Chauhan, Advocate
(in RFA Nos. 7037, 7038, 7041 to 7046, 7048 to 7054, & 7083 to 7100 of 2015 and RFA Nos. 4961 to 4964 of 2017)

For the Claimant/Landowners:

Mr. Arun Yadav, Advocate
(in RFA Nos. 7038, 7041 to 7043, 7048, 7049, 7050, 7052, 7089, 7090, 7096, 7098 & 7099 of 2015; 4961 to 4964 of 2017).

**Mr. Ajit Kumar Sharma, Advocate for
Mr. Ram Darshan Yadav, Advocate**
(in RFA Nos. 7083 to 7088, 7091 to 7095 & 7100 of 2015)

Mr. Sanjay Vashisth, Advocate
(in RFA No. 7097 of 2015)

None for the claimant-landowners
in RFA Nos. 7037, 7044 to 7046, 7051, 7053 & 7054 of 2015.

Ms. Safia Gupta, AAG, Haryana.

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ARUN PALLI, J. (Oral)

Vide this order and judgment, I shall decide a batch of 37 appeals, of which 33 appeals have been filed by the HSIIDC and the rest 4 appeals are preferred by the claimant-landowners. However, by consensus, the facts are being culled from **RFA No. 7037 of 2015 (Haryana State Industrial Infrastructure Development Corporation, Chandigarh and another Vs. Ram Phal and others)**.

Vide notification, dated 31.10.2008, issued under Section 4 of the Land Acquisition Act, 1894, a land situated in six different villages, i.e. **Deodhai, Baghthala, Patuhera, Banipur, Karnawas and Asalwas, Tehsil Bawal, District Rewari**, was sought to be acquired for extension of Industrial Growth Centre, Bawal. The final declaration under Section 6 was published on 08.07.2009. The Land Acquisition Collector, vide six separate awards, for each of the villages, assessed the market value of the acquired land at ₹16,00,000/- per acre. And, vide impugned awards, the Reference Court had enhanced the compensation to ₹22,00,000/- per acre. Concededly, all what forms basis of assessment by the Reference Court is its previous award dated 17.1.2015, passed in LA No. 161 of 2001 (Babulal and others Vs. State of Haryana and others), vide which, a similar land was assessed at the same rate. However, it is contended by the learned counsel for the parties that since the award rendered by the Reference Court in the case of Babu Lal (supra) was set aside by this Court, vide order and judgment dated 25.10.2017, rendered in **RFA No. 3522 of 2015 (Babu Lal and others Vs. State of Haryana and others)** and the matter has since been remitted, the very basis of the impugned awards is non-existent. Thus, as a necessary

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consequence, the awards rendered by the Reference Court even in these proceedings shall have to be set aside. And the matter at hands too is required to be remitted for a decision afresh.

In fact, in few of these appeals, service of the claimant-landowners was not complete, which is why these appeals were listed for 13.2.2018. But as most of the unserved respondents were represented by their counsel in the cross appeals, which were disposed of on 25.10.2017, appellants moved an application for preponing the hearing in these appeals. Accordingly, vide order dated 21.11.2017, the appeals were preponed to 22.11.2017. And, now when the respondents are represented by their respective counsel, except in RFA Nos. 7037, 7044 to 7046, 7051, 7053 & 7054 of 2015 in which none has chosen to appear despite service, service in all these appeals is complete.

Thus, in the wake of the above, the appeals are disposed of in terms of the decision of this Court, dated 25.10.2017 in the case of **Babu Lal and others (supra)**. Accordingly, parties are directed to appear before the District Judge, Rewari, on 12.12.2017. Needless to assert, that even these land references shall be assigned to the same Court which is seized of the connected matters remitted earlier.

27.11.2017
AK Sharma

(ARUN PALLI)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No