

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

-:-

RFA No. 129 of 2017 (O&M)

Date of decision: 03.04.2018

Attar Singh (D) through his LR.

... Appellants

Vs.

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. J.K. Gupta, Advocate, for the Appellants.

Ms. Safia Gupta, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M No. 353-CI of 2018

Application has been filed for condoning the delay of 29 days,
in filing the appeal.

In view of the averments made showing sufficient cause
explaining for the delay duly supported by an affidavit, the delay of 29 days
in filing the present appeal, is hereby condoned.

C.M stands disposed of.

RFA No. 129 of 2017

The appeal is directed against the award dated 14.03.2017
passed by Reference Court, Gurugram, whereby compensation to the tune of
Rs.1,77,71,110/- per acre has been granted for the land falling in village
Hayatpur.

Counsel for the appellants submits that for the notification
under Section 4 dated 11.02.2010 the Apex Court in Civil Appeal Nos.
11913 – 11945 of 2017, **State of Haryana & Anr. Vs. Pushpendra**

Kumar & Ors., decided on 05.09.2017, reduced the compensation granted

for the said village from Rs.3,52,00,000/- per acre by 15%. The relevant paragraph reads as under:-

“10. In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not to be treated as a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.”

It is accordingly pointed out that now the value would work out as Rs.2,99,20,000/-.

Counsel for the State does not dispute the said proposition.

Accordingly, appeal is allowed in the same terms and award is modified. Appellants shall be entitled to the same amount along with all statutory benefits.

April 03, 2018
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No