

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

RA-RF No.181-CI of 2017 (O&M) in
RFA No.3797 of 2010
Date of decision : 28.7.2017

Haryana State Industrial & Infrastructure Development Corporation Ltd.

.. Non-applicant/
Appellant

versus

Prem Dutt Arora and others

.. Applicant/
Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Harkesh Manuja, Advocate, for applicant/respondent No.1.

Mr. Ankur Mittal, Advocate, for HSIIDC.

Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

Learned counsel for the applicant submitted that vide main judgment dated 6.10.2015 in RFA No.2373 of 2010—Madan Pal vs. State of Haryana and another, number of appeals and cross-objections were decided and the matters were remitted back to the reference court for adjudication on merit after permitting the allottees of plots to become parties in the litigation.

In appeals filed by some of the landowners before Hon'ble the Supreme Court in Civil Appeal Nos.1587-1636 of 2017-- Satish Kumar Gupta and others Vs. State of Haryana and others, decided on 21.2.2017, order passed by this Court permitting Maruti Suzuki India Limited to be

impleaded as party to the litigation, has been set aside and consequently the matters have been remanded to this Court for adjudication on merit. The cases remanded by Hon'ble the Supreme Court are listed before Single Bench. The applicant had not filed any Special Leave Petition, however, as the main judgment itself has been set aside to the extent mentioned above, there would be anomalous situation in case, the applicant's case is remitted to the reference court, whereas other matters remain pending in this Court for determination of fair compensation for the acquired land. Hence, the prayer is for review of the judgment of this Court.

Learned counsel for the non-applicants/respondents fairly submitted that once other appeals pertaining to the same acquisition are being considered by this Court for the purpose of assessment of compensation, it would not be appropriate to refer this case back to the reference court in terms of the judgment of this Court, which has been set aside on the limited issues by Hon'ble the Supreme Court.

After hearing learned counsel for the parties, in my opinion, there is merit in the review application, as judgment of this Court under review has been set aside by Hon'ble the Supreme Court to the extent where Maruti Suzuki India Limited was permitted to be impleaded as party and the matter was remitted back to the reference court to enable it to lead evidence and Hon'ble the Supreme Court has remanded the matters back to this Court for adjudication on merit.

In view of above, the order deserves to be reviewed. Ordered accordingly.

The appeal is restored to its original number. Let the main

appeal be now listed along with the cases pertaining to the same acquisition as per roster.

(Rajesh Bindal)
Judge

28.7.2017
sharmila

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