

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

**CWP No.13572 of 2016
Date of Decision:20.07.2018**

HSIIDC

...Petitioner

Versus

Harkish and others

...Respondents

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

Present: Mr. Deepak Balyan, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The challenge in the writ petition is to the order dated 20.05.2014 (Annexure P-1) under Section 28-A(2) whereby landowners of village Baskusla, Tehsil & District Gurgaon were held entitled to compensation @ Rs.37,54,465/- per acre by the respondent No.13. The same was on account of similarly situated landowners, whose amount of compensation had been enhanced by the Reference Court, Gurgaon pertaining to the notification dated 07.03.2002.

Counsel is not in position to dispute the fact that the landowners have been held further entitled to enhancement compensation for the said village for the land acquired under the said notification to the tune of Rs.41.40 lakhs per acre along with all statutory benefits in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'** decided on 09.03.2018. The relevant part of the judgment reads as under:

*“140. Accordingly, the appeals filed by the HSIIDC seeking reduction in the compensation and of MSIL are dismissed and those of the land owners alongwith cross-objections are allowed.
(i) The market value of the land falling in five village i.e.*

Naharpur Kasan, Kasan, Bas Huria, Bas Khusla and Dhana is assessed @ Rs.41.40 lakhs per acre alongwith all statutory benefits.

(ii) The market value of land in village Manesar is assessed @ Rs.62.10 lakhs per acre alongwith all statutory benefits.

(iii) The appellant-M/s Kohli Holdings Private Limited in RFA No.4646 of 2010 would be entitled for compensation Rs.62.10 lakhs per acre, on account of it being given benefit of 50% of locational advantage being situated on the highway and in village Manesar apart from that it would be entitled for 30% more compensation on account of severance charges on the abovesaid market value alongwith all statutory benefits.

(iv) The directions of the Apex Court in the case of Pran Sukh will also be adhered to while disbursing the balance amount of compensation.

(v) Where appeals have been filed by the land owners which were beyond period of limitation and applications have been filed for condoning the delay with a condition that the land owners will not be entitled for the interest during the said period, the Executing Court shall ensure that the amounts are calculated and disbursed, keeping in the view the said condition which has been passed in the case of each and individual land owner.

*(vi) The appeals filed by the MSIL are dismissed on account of non-maintainability and in view of the observations of the Apex Court in the case of **Satish Kumar Gupta (supra)** being a post notification allottee.”*

Resultantly, the present writ petition which is based on the ground that the matter was pending before the Apex Court and the market value has not been finalised and thereafter, remanded, no longer sustains.

Accordingly, the present writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

20.07.2018
pvd

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