

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No.683 of 2011 (O&M)

Date of Decision: 09.03.2018

Khem Chand and others

.....Appellants.

VS.

State of Haryana and others.

.....Respondents.

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

Present: Mr. Shailendra Jain Senior Advocate with
Mr. Satyendra Chauhan, Advocate,
Mr. Pawan Kumar, Senior Advocate with
Mr. Rozer Kumar Aggarwal, Advocate,
Ms. Manisha Gandhi, Senior Advocate with
Mr. Ashwani Gaur, Advocate,
Mr. G.C. Shahpuri, Advocate,
Mr. Ranjit Saini, Advocate,
Mr. Sandeep Sharma, Advocate,
Mr. P.R. Yadav, Advocate,
Mr. Nitin Jain, Advocate and
Mr. Gaurav Aggarwal, Advocate
for the landowners.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana
for State as well as for Haryana State Industrial and
Infrastructure Development Corporation Ltd.

Ms. Safia Gupta, Assistant Advocate General, Haryana

Mr. A.K. Chopra, Senior Advocate with
Mr. G.S. Bhandol, Advocate and
Mr. Pritam Singh Saini, Advocate for Haryana State
Industrial and Infrastructure Development Corporation Ltd.

G.S.SANDHAWALIA, J.

Hearing of the case is preponed from 20.07.2018 and taken up
today for disposal alongwith other connected appeals of the same
notification.

CM No. 1001-CI of 2018

Application has been filed for bringing on record the legal
representatives of deceased appellant No. 2 Ved Parkash alias Ved Prakash

Sharma, who is stated to have passed away on 23.09.2015, during pendency

of the appeal. The details of the legal representatives of the deceased are given in para No. 3 of the application and it is stated that there is no other legal representative of the deceased. Accordingly, in view of the averments made in the application, which is duly supported by an affidavit of Ms. Poonam Sharma, daughter of the deceased, the same is allowed subject to all just exceptions and the legal representatives mentioned in para no.3 of the application are brought on record and permitted to pursue the present appeal. However, it is made clear that this order shall not be taken into consideration in any other set of proceedings. Amended memo of parties is taken on record.

CM stands disposed of.

RFA No. 683 of 2011

The appeal is allowed, in view of the detailed judgment of even date passed in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'**. 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.””*

09.03.2018

raman

(G.S.SANDHAWALIA)
JUDGE