

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Cross Objections No.41-CI of 2018 in/&
RFA No.2328 of 2013
Date of decision: 02.05.2018

Haryana State Indl. Development Corp. Ltd. (now HSIIDC) and ors.

... Appellants

versus

Attar Singh

... Respondent

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

Present: Mr. Pritam Saini, Advocate
for HSIIDC.

Mr. Atul Yadav, Advocate
for the cross-objector/respondent.

G.S.Sandhawalia, J(Oral)

Cross-Objection No.41-CI of 2018

Notice of motion.

Mr. Pritam Saini, Advocate accepts notice on behalf of non-applicant/ appellant No.1.

The award in question is dated 24.02.2011 and pertains to notification dated 26.02.2002 under Section 4 pertaining to village Kasan, Nahapur, Kasan, Bas Kusla, Bas Haria and Dhana, Tehsil and District Gurgaon.

This Court in RFA No.2373 of 2010 titled as ***Madan Pal (III)*** Vs. ***State of Haryana and another*** has already fixed the market value for the said villages. 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.”

Accordingly, the present appeal is dismissed, however the cross-objections filed by the land owners are allowed, in view of the judgment rendered in *Madan Pal (III)'s case(supra)*.

02.05.2018
sonia

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No