

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RFA No.4824 of 2016
Reserved on : 07.02.2018
Decided on: 16.03.2018

HSIDC now HSIIDCAppellant
Versus
Sugan (deceased) th. LRs & others ...Respondents

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

Present: Mr.Pritam Singh Saini, Advocate, for the appellant.

Ms.Safia Gupta, AAG, Haryana.

G.S. SANDHAWALIA, J.

The present appeal has been filed by the appellant-Corporation under Section 54 of the Land Acquisition Act, 1894, against the order of the Reference Court dated 23.11.2013 whereby compensation @ Rs.37,47,232/- per acre was awarded for the land situated in Village Kasan.

The appeals filed by HSIIDC have been dismissed, regarding notification dated 26.02.2002 vide judgment passed in RFA-2373-2010 titled '**Madan Pal (III) Vs. State of Haryana and another**' alongwith other connected appeals on 09.03.2018. Relevant portion 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 also dismissed, on the same grounds.

16.03.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*