

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

LPA No. 641 of 2018 (O&M)

Date of Decision: 16.07.2018

Haryana Vidyut Prasaran Nigam Ltd.

.....Appellant(s)

versus

Vinod and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Samarth Sagar, Advocate, for the appellant(s).

KRISHNA MURARI, C.J. (oral)

CM No. 1746-LPA of 2018

Heard. For the reasons mentioned in the application, delay of
41 days in filing the appeal is condoned. Application stands disposed of.

CM No. 2276-LPA of 2018

Heard. Allowed subject to all just exceptions.

LPA No. 641 of 2018 (O&M)

This intra-court appeal under clause X of the Letters Patent has been filed by Haryana Vidyut Prasaran Nigam Ltd. (HVPNL) challenging the order and judgment of the learned Single Judge dated 19.02.2018 confirming the order passed by the Additional District Judge, Sonapat in petition under section 16(3) of the Indian Telegraph Act, 1885 whereby respondent Nos.1 and 2 have been awarded compensation for erection of transmission towers and diminution of value of the lands.

2. The Additional District Judge relying upon a circular of the Central Government awarded compensation at the rate of 85% of the collector's rate i.e. ₹ 85,00,000/- per acre along with 8% interest per annum for the area which falls within four legs of the tower area. The writ petition filed by the appellant herein was dismissed by the learned Single Judge by the impugned judgment.

3. Learned counsel for the appellant contends that the circular of the Central Government was not adopted by the Haryana Vidyut Prasaran Nigam Ltd., as such an illegality has been committed by the Additional District Judge as well as learned Single Judge in placing reliance upon the same for determining the compensation.

4. However, despite our repeated queries, learned counsel for the appellant has not been able to place before us any other policy framed or adopted by the appellant under which such compensation is to be determined.

5. If the appellant has not framed any policy then some reasonable policy framed by the Government if is taken in aid to determine the compensation, in our opinion, there cannot be any illegality. Even otherwise, the compensation has been determined taking into account the Collector's rate. On our asking the total compensation worked out by learned counsel for the appellant which would be payable to the respondents comes to about ₹ 5.50 lacs for the area of land measuring 350 sq. yards. Total compensation for a sum of Rs.5.50 lacs for an area of land measuring 350 sq. yards where Collector's rate per acre of the said area is Rs.85,00,000/- , in our opinion is valid and justified.

For the aforesaid facts and discussion, the impugned order does not require any interference. Accordingly, the appeal fails and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.07.2018
ravinder

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