

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

C.M. No. 3122-CI of 2018 in/and
RFA No. 1731 of 2017
Date of decision: 12.07.2018

Smt. Bhagwati Devi and others

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Anil Kumar Rana, Advocate,
for the appellants.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 3122-CI of 2018

The present application has been filed for dispensing with the service of the proforma respondents.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice.

It has been averred that the proforma respondents were also claimants before the Reference Court and there is no relief claimed against them in the present appeal which is filed against the Reference Court, Gurgaon's award dated 29.02.2012 whereby, compensation was fixed at Rs.37,54,465/- per acre for the land falling in village Bas Khusla for notification dated 07.03.2002.

Keeping in view the above, the application is allowed and service upon proforma respondents is dispensed with.

RFA No. 1731 of 2017

Counsel for the State has further pointed out that the matter is

squarely covered by the judgment of this Court in ***RFA No. 2373 of 2010, Madan Pal (III) vs. State of Haryana and another*** decided on 09.03.2018.

Vide the said judgment, appeals of the land owners alongwith the cross objections were allowed whereas, appeals filed by the HSIIDC seeking reduction were dismissed. Operative part of the judgment reads thus:-

“(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 appeal is also taken on Board and is disposed of in the same terms. However, in view of the fact that the delay had been condoned conditionally vide order dated 02.11.2017, the appellants shall not be entitled for the interest for the period from 29.02.2012 to 07.10.2016 as per clause (v) above.

12.07.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No