

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(1) **CM-286 to 288-CI-2018 in/and**
RFA No.102 of 2018

Ved Wati & others

....Appellants

Versus

State of Haryana & others

...Respondents

(2) **CM-289 to 291-CI-2018 in/and**
RFA No.103 of 2018

Sumer Singh

....Appellant

Versus

State of Haryana & others

...Respondents

Date of decision:11.01.2018

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

Present: Mr.Rajender Kumar, Advocate, for
Mr.M.S.Tewatia, Advocate, for the applicant/appellants.

Ms.Safia Gupta, AAG, Haryana, for respondents No. & 2.

Mr.P.S.Saini, Advocate, for respondents No.3 & 4.

G.S. SANDHAWALIA, J. (Oral)

CM-287-288, 290-91-CI-2018

Allowed as prayed for.

CM-286-289-CI-2018

The present applications have been filed for condoning the delay of 2138 days in filing the appeal against the award dated 30.11.2011, passed by the Addl.District Judge, Palwal (in RFA-102-2018) and for condoning the delay of 2594 days in filing the appeal against the award dated 31.08.2011, passed by the Addl.District Judge, Palwal (in RFA-013-2018), whereby he has dismissed the reference petition under Section 18 of the Land Acquisition Act, 1894 (for short, the 'Act') and maintained the amount of compensation @ Rs.12,50,000/- per acre.

It has been averred in the application that the appellants came to know that this Court has enhanced the compensation for the acquired land vide notification issued under Section 4 of the Act, for construction of

CM-286 to 288-CI-2018 in/and RFA-102-2018
CM-289 to 291-CI-2018 in/and RFA-103-2018

-2-

Kundli-Manesar-Palwal Expressway (for short 'KMP Expressway'), to be constructed by the Haryana State Industrial & Infrastructure Development Corporation. It is submitted that the appellants also came to know that the Apex Court has reduced the compensation and the delay in filing the appeals was neither intentional nor willful. In such circumstances, the present applications have been filed.

Notice of the applications.

Ms.Gupta and Mr.Saini accept notice on behalf of respondents No.1 & 2 and 3 & 4, respectively.

Though the applications, as such, do not contain sufficient cause but the fact remains that keeping in view the judgments of the Apex Court in **Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437** and **Dhiraj Singh (D) Th. LRs. Vs. Haryana State & others 2015 (2) RCR (Civil) 507**, that the equities could be balanced by denying the interest on the enhanced compensation for the period of delay in filing the appeal, the present applications are liable to be allowed.

Accordingly, the present applications are allowed, with the condition that for the period of delay in filing the appeals, the applicant-appellants shall not be entitled for any interest on the amount of enhanced compensation.

RFA-102-103-2018

It is not disputed that this Court, while disposing of a bunch of cases on 28.03.2016, the lead case of which was RFA-2322-2011 titled *Usha Rani & others Vs. State of Haryana & others*, had enhanced the compensation from Rs.12,50,000/- to Rs.48,57,000/- per acre. The matter was taken to the Apex Court by both sides in SLP (C) Nos.20497-20500-2016 titled *Bharti & another Vs. State of Haryana & others*, and the State Appeals were allowed on 21.09.2017 and reduction had been done by putting a cut on the enhancement, to the tune of 30-33% and compensation had been reduced to Rs.32,62,500/- per acre. Relevant portion of the judgment reads as under:

CM-286 to 288-CI-2018 in/and RFA-102-2018
CM-289 to 291-CI-2018 in/and RFA-103-2018

-3-

“In the facts of the case considering its situation for development and smallness of comparable land we deduct approximately 32 to 33 % of amount. We reduce the compensation, as determined by the High Court, to Rs.32,62,500/- per acre for aforesaid villages of District Palwal. The amount of compensation awarded at the aforesaid rate, to carry the statutory benefits. The amount which has not been paid so far be paid within a period of three months from today.

The appeals filed by the State are allowed to the aforesaid extent, and that by the landowners are also, accordingly, disposed of.”

Accordingly, the present appeals are allowed, by modifying the order of the Reference Court, enhancing the amount of compensation to the tune of Rs.32,62,500/- per acre along with all statutory benefits. The said amount be paid within a period of 3 months, from today.

11.01.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*