

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RFA No.1915 of 2017 (O&M)
Date of Decision:06.03.2018

State of Haryana and anotherAppellants

Versus

Paramveer Singh and others ...Respondents

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

Present: Mr. Shivendra Swaroop, AAG, Haryana,
for the appellants.

None for the respondents.

G.S. SANDHAWALIA, J. (ORAL)

CM-4831-CI-2017

Service has been effected upon the respondents but despite service none is present. Accordingly, application for condonation of delay of 41 days in filing the appeal, which has gone uncontroverted, is allowed, in view of the sufficient cause being shown, duly supported by affidavit of official and the delay is condoned.

CM stands disposed of.

RFA No.1915 of 2017

Counsel for the State submits that as per award dated 05.10.2016 passed by the Reference Court, Gurgaon, the compensation is to be modified since the same is based upon the decision of this Court in RFA No.5316 of 2014 titled as **Pushpender Kumar and others Vs. State of Haryana and another** for the land in question which is situated in village Wazeerpur, Tehsil & District Gurgaon. The market value was assessed at the rate of Rs.2,55,89,760/- per acre.

It is not disputed that in Civil Appeal Nos.11913-11945 of 2017 titled as **State of Haryana and another Vs. Pushpendra Kumar and others** decided on 05.09.2017, the Apex Court has granted 15% deduction on the awarded amount. Relevant portion reads as under:

“10. In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not to be treated as a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.

11. Coming to the question of severance charges, in case there is no land left out after the acquisition, obviously, severance charges would not be granted. It is in the cases where only part of the land has been acquired and there is a severance of the adjacent/remaining area, only in those cases compensation for severance is granted. It stands set aside in the cases where there is no severance.

12. The appeals of State are partly allowed and appeals of owners are dismissed. Pending application, if any, stands disposed of. Let the amount be paid within four months from today.”

Resultantly, the market value per acre as such would come to the tune of Rs.2,17,51,296/- per acre. The appeal is partly allowed and the award is accordingly modified.

06.03.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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