

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

RFA No. 1521 of 2018 (O & M)

Date of decision: 04.10.2018

M/s. Prem Colonizers Pvt. Ltd.

....Appellant(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present: Mr. R. Kartikeya, Advocate,
for the appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of 7 appeals i.e. RFA Nos. 1521 to 1527 of 2018, as common questions of facts and law are involved in all the appeals. Reference is being made to ***RFA No. 1521 of 2018, M/s. Prem Colonizers Pvt. Ltd. vs. State of Haryana and another.***

Delay Refiling Applications

Applications for condonation of delay of 348 days in refiling the appeals are allowed, in view of averments made in the applications duly supported by affidavits.

Delay condoned.

Delay Filing Applications

The present applications have been filed for condonation of delay of 1188 days in filing the appeals against the award of the Reference Court dated 23.05.2013.

Notice in the applications.

On the asking of the Court, Mr. Shivendra Swaroop, AAG, Haryana accepts notice.

Counsel for the appellants submits that the matter is covered in view of the judgment in ***RFA No. 4475 of 2012, Ram Chander and another vs. State of Haryana and others*** decided on 20.05.2016 and duly modified by the Apex Court in ***Civil Appeal Nos. 11814-11864 of 2017*** whereby, 15% reduction has been done.

Keeping in view the law laid down by the Apex Court in ***Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133*** and ***Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127***, delay is condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest for 1188 days.

Main Appeals

The appeals arise out of the notification dated 25.01.2008 issued under Section 4 of the Land Acquisition Act, 1894 for land falling in village Pawala Khusrupur, Gurgaon which was acquired for the purpose of development and utilization of land for 150 meters wide periphery road linking Dwarka Township Delhi from Gurgaon out of as many as 11 villages. In *Ram Chander's case (supra)*, the amount for the said village was assessed at Rs.4,65,52,331/- per acre which had been modified by the Apex Court in Civil Appeal Nos. 11814-11864 of 2017, State of Haryana and others vs. Ram Chander and others decided on 05.09.2017. The operative part reads thus:-

“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.

Counsel for the State accepts notice and cannot dispute the said fact. Therefore, to maintain parity, the appeals are allowed by fixing the market value at Rs.3,95,69,481.35/- per acre alongwith all statutory benefits as held by the Apex Court. It is made clear that the appellants shall not be entitled for the benefit of interest from for the period of 1188 days.

04.10.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No