

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RFA No.167 of 2018 (O&M)

Date of Decision:15.01.2018

Attar Singh deceased through LRs

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Lokesh Vohra, Advocate for
Mr. Sandeep Sharma, Advocate
for the appellants.

G.S. SANDHAWALIA, J. (ORAL)

CM-439-CI of 2018

Application of exemption for placing on record certified copy
of Annexure P-1, is allowed as prayed for.

CM-440-CI of 2018

Notice in the application for condonation of delay of 1359 days
in filing the present appeal.

Mr. Shivendra Swaroop, AAG, Haryana, present in the Court
accepts notice on behalf of respondents. Keeping in view the above
averments made and the proposed order passed by this Court, the delay of
1359 days is being condoned as interests of the State can be protected.
Accordingly, keeping in view the judgment of the Apex Court in *Dhiraj
Singh(D), Tr. LRs Vs. Haryana State and others, 2015 (2) RCR (Civil), 507*,
the appellant shall not be entitled for the interest for the period commencing
from the date of the award till the filing of the appeal.

CM-441-CI of 2018

Application under Section 151 CPC has been filed to decide the

present appeal in view of RFA No.4475 of 2012 in case title *Ram Chander and another Vs. State of Haryana and others*, decided on 20.05.2016.

CM is allowed as prayed for.

RFA-167 of 2018

Accordingly, counsel for the appellant has contended that according to the notification dated 25.01.2008, the land was acquired for the development and utilization of land for sector road for 150 Mtrs. wide periphery road linking Dwarka Township, Delhi from Haryana boundary to NH-8 near village Kherki Daula at Gurgaon. It is not disputed that the Reference Court had granted the compensation at the rate of Rs.1,21,18,503/- per acre vide impugned order dated 21.01.2014 by enhancing of the amount as awarded by the Land Acquisition Collector which had been given at the rate of Rs.50 lacs per acre. This Court in *Ram Chander's case (supra)* i.e. RFA No.4475 of 2012 enhanced the amount of compensation at the rate of Rs.2,03,71,678/- per acre for the village Garauli Kalan, Tehsil & District Gurgaon. The matter was taken to the Apex Court in Civil Appeal No.11814-11864 of 2017 which has made a deduction of 15% towards the development cost.

Resultantly, the present appeal is allowed to the extent that the landowners-appellants shall be entitled for the amount as held by the Apex Court by putting a deduction of 15% of development cut on the amount which has been assessed by this Court in *Ram Chander's case (supra)*.

(G.S. SANDHAWALIA)
JUDGE

15.01.2018
pvd/raman

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