

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

**RFA No.1898 of 2018 (O&M)
Decided on : 17.10.2018**

Banwari

... Appellant

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Mohan Singh Rana, Advocate for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The appeal is directed under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') against the award of the Reference Court, Gurugram, dated 01.04.2017, whereby a sum of ₹1,77,71,110/- per acre along with statutory benefit under Section 28-A (3) was granted. The application had been filed by the landowners on the ground that the Acquisition Collector was not justified in dismissing the application on 28.04.2015 on the ground that it was barred by limitation.

Counsel has submitted that the application was filed on 14.05.2014 on the strength of an award passed 26.03.2014 (Exhibit P/A), whereby the value had been fixed as mentioned-above by enhancing compensation from ₹60 lakhs per acre. The argument further raised is that when the impugned order was passed this court in **RFA No. 5316 of 2014 titled as Pushpendra Kumar & Others Vs. State of Haryana & Another**, had decided on 27.05.2016 had already enhanced the compensation to ₹3,52,00,000/- per acre for Village Hayatpur for the notification dated 11.02.2010. Therefore, the landowners are entitled for the same amount of compensation.

Counsel for the State has also clarified now that the said judgment has been modified by the Apex Court in **Civil Appeal Nos. 11913-11945 of 2017, titled as State of Haryana & Another Vs. Pushpendra Kumar & Others**, decided on 05.09.2017 by reducing the compensation by 15% and resultantly, the market value has been fixed at ₹2,99,20,000/- per acre.

It is further to be noticed that the Reference Court has wrongly denied the interest from 14.06.2010 to 13.05.2014 on the ground that the application was filed on 14.05.2014 and, therefore, logically the said period is not to be included for calculating the compensation and interest for 9% for the first year and 15%, thereafter. The said reasoning cannot be justified, as under Section 28-A of the Act, the limitation is three months from the date of the award of the Reference Court and the provisions of Section 28-A have been incorporated with the purpose to reduce the litigation by the Legislature and to grant similar benefits to all the persons, once the market value is already determined of similarly situated land.

Resultantly to maintain the parity since the market value has been fixed, the present appeal is allowed and the impugned order is modified to the above extent in favour of the landowners with all statutory benefits including the interest which was wrongly denied by the Reference Court.

OCTOBER 17, 2018

Naveen

Whether speaking/reasoned:

Whether Reportable:

**(G.S. SANDHAWALIA)
JUDGE**

Yes/No

Yes/No