

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

**RFA No.1999 of 2018 (O&M)  
Decided on : 17.07.2018**

Mam Kaur and another

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Sudhir Aggarwal, Advocate  
for the appellants.

**G.S. Sandhawalia, J. (Oral)**

**CM-4474-CI-2018**

Application under Section 5 of the Limitation Act for condonation of delay of 1115 days in filing the present appeal against the Award dated 01.11.2014 passed by the Reference Court, Gurgaon has been filed.

Counsel has submitted that the matter is covered by the judgment of the Apex Court passed in **Civil Appeal Nos.11913-11945 of 2017 'State of Haryana and another Vs. Pushpendra Kumar and others'** decided on 05.09.2017.

Accordingly, keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 1115 days in view of the law laid down by the Apex Court in **'Imrat Lal and others Vs. Land Acquisition Collector and others' 2014 (14) SCC 133** and in **'Dhiraj Singh (D) through LRs. and others Vs. Haryana State and**

**others' 2015 (1) SCC (Civil) 236**, the application is allowed.

The delay of 1115 days in filing the appeal is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation for the delay period.

CM stands disposed of.

**Main appeal**

The acquisition in question pertains to village Nawada Fatehpur, District Gurgaon and notification under Section 4 read with Section 17 (1) of the Land Acquisition Act, 1894 was issued on 11.02.2010 for the development and utilization for sector roads for Sectors 81 to 95 at Gurgaon. The Land Acquisition Collector had awarded ₹60 lakhs per acre, which had been enhanced to ₹1,48,86,729/- per acre by the Reference Court.

This Court in **RFA No.5316 of 2014 'Pushpendra Kumar and others Vs. State of Haryana and another'** decided on 27.05.2016, enhanced the compensation to ₹2,48,64,000/- per acre.

The Apex Court in **Civil Appeal No.11913-11945 of 2017** decided on 05.09.2017 has reduced the compensation by 15% amounting to ₹37,29,600/- and market value has been assessed @ ₹2,11,34,400/- per acre. The relevant part 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.”*

Accordingly, the present appeal is allowed to maintain parity. The land owners are held entitled to receive compensation as has been fixed by the Apex Court, alongwith all statutory benefits. However, it is made clear that the appellants shall not be entitled for the benefit of interest for the delay period of 1115 days in filing the appeal.

**JULY 17, 2018**  
*Naveen*

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

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*