IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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R.F.A No. 2222 of 2018 (O&M)
Date of decision: 16.05.2018

State of Haryana & Anr. ... Appellants

Vs.

M/s BSY Developers Pvt. Ltd. & Anr. ...Respondents

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

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Present: Mr. Shivendra Swaroop, AAG, Haryana.

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G.S.SANDHAWALIA, J. (Oral)

Delay Applications

Applications have been filed for condoning the delay of 34 days, in filing the appeals.

In view of the averments made showing sufficient cause explaining for the delay duly supported by an affidavit, the delay of 34 days in filing the present appeals, is hereby condoned.

C.Ms disposed of.

Exemption Applications

Allowed as prayed for.

Main Appeal & Stay Applications

This order shall dispose of five appeals being RFA Nos 2222 to 2226 of 2017 and facts are being taken from R.F.A No. 2222 to 2017 as common question of law and facts are involved.

Present appeals have been filed under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') are directed against the award dated 21.12.2017, whereby value has been fixed for the land situated in village Gadauli Kalan, which was acquired vide notification dated

25.05.2010 for the development of residential Sector 37-C, Gurugram. The Reference Court has fixed market value at Rs.1,73,15,926/- per acre by enhancing it from Rs.1,25,00,000/- which was awarded by the Land Acquisition Collector. The basis of enhancement is on account of judgment of Apex Court qua the same village for notification which was more then two years earlier dated 25.01.2008, whereby the judgment of this Court in RFA No. 4475 of 2012 ***Ram Chander and Anr. Vs. State of Haryana and Anr,*** decided on 20.05.2016 has been modified by reducing the compensation from Rs.2,03,71,678/- by 15%.

Counsel for the State has vehemently argued that once sale deeds are on record Ex. P/10 to P/13 the same should have been the basis of assessing the market value as the sale exemplar of the State Ex. R/1 and R/3 had been discussed. The acquisition in question is for 1.76 acres only. It is, thus, apparent that it is the midst of a developed portion which was left out when earlier acquisition's took place. Once the Apex Court itself has fixed the market value for the surrounding area at the rate which has now been fixed by the reference Court and even the perusal of the sale exemplars Ex. P/10 to P/13 which were brought on record by the landowners would go to show that the average rate per acre was around 02 crores for the land of said village and that also for the year 2008.

In such circumstances, the argument which is raised that there should have been a cut applied is not sustainable as even the land was falling in a developed portion and once the Apex Court has itself fixed the market value the Reference Court was justified by placing reliance upon it. It is further pertinent to notice that for the earlier notification the Land

Acquisition Collector had only granted Rs.50 lakhs per acre, whereas for the present notification vide the award dated 30.01.2013 the value fixed was of Rs.1,25,00,000/-. It is thus apparent that within two years because of the development which has taken place the market price has spiralled up and the argument which is raised that the amount was on the excessive side cannot be accepted.

The earlier award is a relevant of piece of evidence and was rightly taken into consideration by the Reference Court for assessing the market value and therefore, no illegality can be find out in the award passed by the Reference Court.

Present appeals are, accordingly, dismissed in limine.

May 16, 2018 **(G.S. SANDHAWALIA)**
tripti **JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No