

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

--

Date of decision: 30.10.2018

1. RFA No. 2531 of 2018 (O&M)

Rukkam @ Raman Devi

... Appellant

Vs.

State of Haryana & Ors.

...Respondents

2. RFA No. 2532 of 2018 (O&M)

Dinesh Kumar & Ors.

... Appellants

Vs.

State of Haryana & Ors.

...Respondents

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

Present: Mr. Gaurav Singla, Advocate, for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

Applications for condonation of delay of 1696/2039 days in filing the appeals have been preferred.

Counsel submits that the matter is covered by the judgment of this Court in RFA No. 5231 of 2014 "*Bhagwan Dass Vs. State of Haryana and Ors'*" decided on 10.12.2015, whereby compensation has been enhanced to Rs.22,80,000/- per acre.

Accordingly, keeping in view the fact that the matter has been finalised upto the Apex Court the delay is condoned conditionally.

In the wake of the decision of Hon'ble Supreme Court in *Imrat*

Lal & Ors. Vs. Land Acquisition Collector & Ors., 2015(2) RCR (Civil)

437 and **Dhiraj Singh (D) Tr. LRs. Vs. Haryana State and Ors.,** 2015(2) RCR (Civil) 507, delay of 1397 days in filing the accompanying appeals is condoned.

However, it is clarified that the applicants/appellants shall not be entitled to any interest on the enhanced compensation for the period of delay in filing the appeals i.e. 1696/2039 days.

Main Appeals

The appeals arise out the Awards dated 30.11.2012 and 24.12.2011 of the Reference Court, Palwal. The acquisition was set into motion vide notification under Section 4 of the Land Acquisition Act, 1894 dated 15.06.2006 for the land falling in village Ferozepur and Agwanpur for the development and utilisation of the transport, Sector 21 Palwal. The Reference Court awarded 17 lakhs by enhancing it from 16 lakhs per acre awarded by the Land Acquisition Collector. This Court in **Bhagwan Dass's case** (supra) had enhanced it to Rs.22,80,000/- per acre by putting 40% cut on the sale exemplar.

Counsel for the State submits that in SLP (Civil) No. 20674 of 2016, **“Adani Logistics Ltd. Vs. Land Acquisition Collector & Ors Collector/District Magistrate & Ors.”**, decided on 02.11.2017, the portion of cut has been decreased to 15% and the market value would come to Rs.32,30,000/- per acre. The relevant portion reads as under:-

“ In the instant case, sale instance was for approx. 5 acres; it was a bonafide transaction and has been rightly relied upon. Thus for smallness of area, no deduction was permissible as sale deed was for 5 acres. For the development, however, certain deduction was definitely required to be made. But

deduction of 40% that has been made for smallness as well as for development, could not be said to be appropriate. Reliance has been placed on a decision of this court wherein, land had been acquired on Delhi Gurgaon Road with more or less similar kind of development; 15% deduction towards development was held to be sufficient in the peculiar facts of the said case. Though deduction on higher side can also be made for development, but it would depend upon the facts of each case. In the instant case, considering the development that has taken place around the land, and the situation of the land being near the market, the aforesaid deduction would be appropriate.

Hence, in our considered opinion, instead of 40%, 15% deduction would be appropriate; rest of the Award is not disturbed. The payment be made as early as possible within four months.

The appeals are allowed to the aforesaid extent.”

Resultantly, the appeals are allowed in the same terms to maintain parity. However, it is made clear that the appellants would not be entitled to benefit of interest for the delayed period i.e. 1696/2039 days on the enhanced amount.

Appeals stand allowed.

October 30, 2018
tripti

(G.S. SANDHAWALIA)
JUDGE

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