

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(1) RFA No.3661 of 2017 (O&M)

Neeraj Mehta & anotherAppellants

Versus

State of Haryana & others ...Respondents

(2) RFA No.3662 of 2017 (O&M)

Anoop Kumar Chopra & anotherAppellants

Versus

State of Haryana & others ...Respondents

Decided on: 27.02.2018

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

Present: Mr.R.K.Sharma, Advocate, for the appellants.

Ms.Safia Gupta, AAG, Haryana.

G.S. SANDHAWALIA, J.

CM-8832-CI-2017 in RFA-3661-2017

CM-8835-CI-2017 in RFA-3662-2017

Applications have been filed for condonation of delay of 453 days in filing the appeal against the award dated 01.10.2015, passed by the Reference Court under Section 18 of the Land Acquisition Act, 1894.

Keeping in view the fact that the notification under Section 4 is dated 25.01.2008 and the matter already stands settled upto the Apex Court, this Court is of the opinion that the applications seeking condonation of delay of 453 days in filing the appeals, are liable to be condoned, on the principle that all land-owners are entitled to same amount of compensation. The equities can be balanced by excluding the interest for the period of delay, keeping in view the law laid down by the Apex Court in ***Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437*** and ***Dhiraj Singh (D) Th. LRs. Vs. Haryana State & others 2015 (2) RCR (Civil) 507***.

Ordered accordingly.

RFA-3661-3662-2017

The present judgment shall dispose of 2 appeals bearing RFA-3661 & 3662-2017, filed by the appellants, involving common questions of

RFA-3661 & 3662-2017 (O&M)

law and facts.

The Reference Court vide award dated 01.10.2015, under Sections 18 & 30 of the Land Acquisition Act, 1894 (for short, the 'Act'), for the land situated in Village Pawala Khusropur Tehsil & District Gurgaon, which was acquired for 150 meters wide periphery road linking Dwarka Township, Delhi from Haryana boundary to NH-8 near Village Kherki Daula at Gurgaon, had awarded a sum of Rs.1,41,37,575/-, as compensation by fixing the market value.

This Court, in RFA-4475-2012 titled as *Ram Chander & another Vs. State of Haryana & others*, decided on 20.05.2016, had enhanced the compensation to Rs.4,65,52,331/-. In CA-11814-11864 of 2017 titled *State of Haryana & others Vs. Ram Chander & another*, decided on 05.09.2017, the Apex Court has reduced the amount by 15%. The relevant portion of the judgment 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.”

Resultantly, the present appeals are also allowed in the same terms, as per the decision rendered in **Ram Chander** (supra) and as modified by the Apex Court. The benefit of interest has been denied for 453 days.

27.02.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No