

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

C.M. No. 2214-CI of 2018 in/and
RFA No. 301 of 2018
Date of decision: 27.03.2018

Opera House Exports Ltd.

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Shailendra Jain, Sr. Advocate,
with Mr. Satyendra Chauhan, Advocate,
for the applicant-appellant.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 2214-CI of 2018 has been filed for disposal of the main appeal in terms of the judgment dated 05.09.2017 passed by the Apex Court in ***Civil Appeal No. 11913-11945 of 2017, State of Haryana and others vs. Pushpendra Kumar and others.***

Notice in the application and in the main case.

Ms. Safia Gupta, AAG, Haryana accepts notice.

The appeal filed under Section 54 of the Land Acquisition Act, 1894 (in short 'the Act') is against the award of the Reference Court dated 30.10.2017 whereby, a sum of Rs. 1,09,43,525/- per acre has been awarded qua the notification dated 11.02.2010 for the land falling in village Naharpur Kasan. The Reference Court had noticed the decision in ***RFA No. 5316 of 2014, Pushpendra Kumar and others vs. State of Haryana*** decided on 27.05.2016 whereby, a sum of Rs.2,30,83,872/- per acre had been assessed as market value of the land of the said village.

The Apex Court, vide decision dated 05.09.2017, has imposed

reduction of 15% towards development charges which read thus:-

“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, an amount of Rs.34,62,580/- would be deductible and, therefore, the market value of the land would be assessable at Rs.1,96,21,292/- per acre alongwith statutory benefits on the principle of parity.

Resultantly, the appeal is allowed in the above terms.

27.03.2018
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No