

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

RFA No.3084 of 2018 (O&M)

Ms. Satyam Thermopack Industries

... Appellant

Versus

State of Haryana and others

... Respondents

(2)

RFA No.3530 of 2018

Vivek Dutta

... Appellant

Versus

State of Haryana and others

... Respondents

Decided on : 31.08.2018

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

Present : Mr. Navneet Singh, Advocate
for the appellant (s).

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-6770-CI-2018 in RFA-3084-2018

The present application has been filed for condoning the delay of 1118 days in re-filing the present appeal.

Counsel for the State had accepted notice on the last date of hearing, but no reply has been filed.

Accordingly, keeping in view the averments made in the application, duly supported by affidavit, the same is allowed. The delay of 1118 days in re-filing the present appeal is condoned.

CM stands disposed of.

Main appeals

The present appeals under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') are directed against the Award of the Reference Court, Jhajjar dated 29.01.2015, whereby a sum of ₹12,50,000/- per acre was awarded by the Land Acquisition Collector, which had been enhanced to ₹13,78,574/- per acre by the Reference Court but benefit under Section 23 (1A) of the Act was not granted.

Counsel for the appellant has pointed out that this Court in RFA No.3267 of 2015 'Ram Kanwar Vs. State of Haryana and others' decided on 27.11.2015 allowed the appeal and granted the statutory benefits while maintaining the amount of market value. The relevant portion reads as under:-

“As far as the claim of landowners for statutory benefit under Section 23(1A) of the Act is concerned, in my opinion, the contention is meritorious. The assessment of compensation in terms of the provisions of the Act is on the date of issuance of notification under Section 4 of the Act. The policy of the State, no doubt, in its wisdom, related the amount of compensation to the date of award. From that, it cannot be taken that compensation assessed for acquisition of land was in violation of the provisions of the Act providing for assessment on the date of issuance of notification under Section 4 of the Act. The State had merely fixed the rates, hence, in my opinion, it would be unjustified to deny the landowners all the statutory benefits including under Section 23 (1A) of the Act on the premise that compensation has been awarded to the landowners from the date of award.

For the reasons mentioned above, while upholding the amount of compensation awarded, in my opinion, the landowners are entitled to statutory benefit under Section 23(1A) of the Act.

Ordered accordingly. The award of the learned Reference Court is modified to that extent.

The appeals are disposed of accordingly.”

Accordingly, the present appeals are also disposed with the above said terms.

AUGUST 31, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No