

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

RFA No.4533 of 2017 (O&M)

Des Raj and another

... Appellants

Versus

State of Haryana and others

... Respondents

(2)

RFA No.4537 of 2017 (O&M)

Rambati and another

... Appellants

Versus

State of Haryana and others

... Respondents

(3)

RFA No.4538 of 2017 (O&M)

Jaibir Singh and another

... Appellants

Versus

State of Haryana and others

... Respondents

(4)

RFA No.4539 of 2017 (O&M)

Ashok

... Appellant

Versus

State of Haryana and others

... Respondents

Decided on : 13.03.2018

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

Present : Mr. G.C. Shahpuri, Advocate
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
for respondent-HSIIDC.

G.S. Sandhawalia, J. (Oral)

CM-11220-CI-2017 in RFA-4538-2017

Application under Rule 2, Chapter-1, Part-C, Volume-V of High Court Rules and Order read with Order 22 Rule 3 has been filed for impleading the legal representatives of deceased Ajit Singh-appellant No.2, who is stated to have expired after the passing of the award. The details of the legal representatives have been mentioned in para 2 of the application and it has been averred that there are no other legal heirs. Application is duly supported by affidavit of Jaibir Singh-appellant No.1.

Accordingly, in view of the averments made in the application, duly supported by the affidavit, the same is allowed and the legal representatives, as mentioned in para 2 of the application are permitted to pursue the present litigation only.

CM stands disposed of.

Applications for condonation of delay

Applications have been filed for condoning the delay ranging between 2190 days to 2413 days in filing the present appeals.

The awards were passed on 09.08.2010 and 07.03.2011 pertaining to the notification dated 26.06.2002 by the Reference Court, Gurgaon, whereby the land was acquired for setting up of Industrial Model Township, Manesar, Phase-IV.

It is not disputed that the matter was remanded twice by the Apex Court and it is in such circumstances, the applicants were under some mis-conception that what is the stage of the proceedings.

Accordingly, in such circumstances, the delay as such in filing the appeals is liable to be condoned, as the interest of the State can be protected by not granting any interest on the enhanced compensation for the period of delay in filing the present appeals. Reference can be made to the judgments of the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236. Accordingly, the applications are allowed. The delay in filing the appeals is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CMs stand disposed of.

Main appeals

The present order shall dispose of 4 appeals i.e. **RFA Nos.4533, 4537, 4538 and 4539 of 2017**, as the common question of law and facts are involved.

Similar, appeals of land owners and HSIIDC have already been disposed of on 09.03.2018, whereby in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'**. The present set of appeals is also covered by the said judgment, whereby the following directions have been issued:-

*“140. Accordingly, the appeals filed by the HSIIDC seeking reduction in the compensation and of MSIL are dismissed and those of the land owners alongwith cross-objections are allowed.
(i) The market value of the land falling in five village i.e.*

Naharpur Kasan, Kasan, Bas Huria, Bas Khusla and Dhana is assessed @ Rs.41.40 lakhs per acre alongwith all statutory benefits.

(ii) The market value of land in village Manesar is assessed @ Rs.62.10 lakhs per acre alongwith all statutory benefits.

(iii) The appellant-M/s Kohli Holdings Private Limited in RFA No.4646 of 2010 would be entitled for compensation Rs.62.10 lakhs per acre, on account of it being given benefit of 50% of locational advantage being situated on the highway and in village Manesar apart from that it would be entitled for 30% more compensation on account of severance charges on the abovesaid market value alongwith all statutory benefits.

(iv) The directions of the Apex Court in the case of Pran Sukh will also be adhered to while disbursing the balance amount of compensation.

(v) Where appeals have been filed by the land owners which were beyond period of limitation and applications have been filed for condoning the delay with a condition that the land owners will not be entitled for the interest during the said period, the Executing Court shall ensure that the amounts are calculated and disbursed, keeping in the view the said condition which has been passed in the case of each and individual land owner.

*(vi) The appeals filed by the MSIL are dismissed on account of non-maintainability and in view of the observations of the Apex Court in the case of **Satish Kumar Gupta (supra)** being a post notification allottee.”*

The present set of appeals is also disposed of as per the abovesaid terms.

MARCH 13, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No