

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No. 4939 of 2017 (O & M)

Date of decision: 01.02.2018

Smt. Parvesh Devi

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present: Mr. Jagjeet Beniwal, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 12409-CI of 2017

Application seeking exemption from filing certified copy of
award dated 14.07.2014 is allowed, subject to all just exceptions.

C.M. No. 12410-CI of 2017

The present application has been filed for condonation of delay
of 1037 days in filing the appeal against the award of the Reference Court
dated 14.07.2014 on the ground that documents could not be collected.

Notice in the application.

On the asking of the Court, Mr. Shivendra Swaroop, AAG,
Haryana accepts notice and opposes the condonation of delay.

Keeping in view the law laid down by the Apex Court in *Imrat
Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC
133* and *Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and
others, 2014 (14) SCC 127*, delay is condoned, subject to the condition that
the appellant shall not be entitled for the benefit of interest from the date of
award till the date of filing of the appeal.

RFA No. 4939 of 2017

Counsel for the appellant submits that as per the award dated 22.04.2009 of the Land Acquisition Collector for village Baund Kalan, Tehsil Charkhi Dadri, District Bhiwani for the construction of Baund Drain, the amount awarded was not enhanced by the Reference Court and only Rs.50,000/- was given per acre on account of bifurcation. It is submitted that a Co-ordinate Bench in ***RFA No. 2463 of 2015, Shri Kishan and others vs. State of Haryana and another*** fixed the market value at Rs.10,25,000/- per acre for the abovesaid award alongwith all statutory benefits. The relevant portion reads thus:-

“10. The increase from Rs.8,00,000/- to Rs. 12,00,000/- if calculated from 22.3.2007 till 7.9.2010, the effective dates of two policies, providing for minimum rates, the same comes to 13.483% or Rs.8,988/- per month. Taking into account the aforesaid facts, as the awards in the present cases were announced by the Collector on 20.8.2008 and 22.4.2009, the landowners in the present case deserve to be granted compensation by adding Rs.8,988/- per month on Rs.8,00,000/- with effect from 22.3.2007 till the announcement of awards by the Collector in the present set of appeals i.e. 17 months and 25 months, respectively. If the aforesaid amount is added, the compensation for the award passed on 20.8.2008 comes to Rs.9,52,796/-, which is rounded off to Rs.9,53,000/- per acre and the compensation for the award passed on 22.4.2009 comes to Rs.10,24,700/-, which is rounded off to Rs.10,25,000/- per acre.

11. For the reasons mentioned above, the appeals are allowed. The landowners for the award passed on 20.8.2008 are awarded compensation @ Rs.9,53,000/-

per acre and for the award passed on 22.4.2009 @ Rs.10,25,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.”

Counsel for the State could not dispute the said fact.

Accordingly, the appeal is allowed, on the same terms as above.

However, it is made clear that the land owner will not be entitled for the interest for the period from passing of the award by the Reference Court till the filing of the appeal and the decree be drawn up accordingly.

01.02.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No