

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

**RFA No.4277 of 2018 (O&M)  
Decided on : 16.10.2018**

Bhai Ram @ Bhay Ram Saini (deceased) th. LRs

... Appellants

Versus

State of Haryana & others

... Respondents

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

Present : Mr.Gobind Rana, Advocate, for the appellants.

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**G.S. Sandhawalia, J. (Oral)**

**CM-9871-CI-2018**

Application has been filed for bringing on record legal representatives of appellant-Bhai Ram @ Bhay Ram Saini, who is stated to have expired on 19.04.2003, leaving behind his legal representatives, as mentioned in para No.3 of the application.

Accordingly, in view of the averments made in the application, duly supported by affidavit of Jai Singh Saini, son of the deceased-appellant, same is allowed. The legal representatives, as mentioned in para No.3 of the application are allowed to be brought on record, only for the purpose of pursuing the present litigation.

CM stands disposed of.

**CM-9870-CI-2018**

Application has been filed for condoning the delay of 1528 days in filing the present appeal.

Accordingly, in view of the averments made in the application, duly supported by affidavit and in view of the fact that the

interest of the respondents can be protected, the delay of 1528 days in filing the appeal is, hereby condoned conditionally, keeping in view the judgments of 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*. However, the appellants shall not be entitled for the interest element, for the said period of delay.

CM stands disposed of.

CM-9869-CI-2018 in/and RFA-4277-2018

The present application has been filed for disposing of the main appeal being covered till the Apex Court.

Notice of motion.

Mr.Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the respondents.

The present appeal is directed against the award dated 07.05.2014, passed by the Reference Court, Jhajjar, whereby for the notification in question dated 18.02.2002, for 62 bighas 9 biswas of land in Village Bahadurgarh was acquired for public purpose, namely, for the construction of Sewerage Treatment Plant, Bahadurgarh under the emergency clause. The Land Acquisition Collector had awarded Rs.5,50,000/- per acre, which has been enhanced to Rs.9,08,565/- per acre, vide the award of the Reference Court.

Counsel for the appellants submits that the matter would be covered in view of the judgment passed in RFA-8073-2014 titled *Phool*

*Singh & others Vs. State of Haryana & others*, decided on 29.02.2016, vide which, for the same notification, while placing reliance upon judgment passed by this Court in RFA-1626-2011 titled *Puran Chand Wadhwa (deceased) through LRs Vs. Land Acquisition Collector & another*, decided on 31.08.2015, pertaining to notification dated 17.04.2002, a sum of Rs.13,00,000/- per acre had been granted. It is submitted that the matter was taken to the Apex Court in CA-19354-2017 titled *Rajender Singh & others Vs. State of Haryana & others*, decided on 17.11.2017 and for the notification dated 17.04.2002, the amount of compensation was enhanced to Rs.20,00,000/- for the land falling in Village Bahadurgarh and therefore, the same amount of compensation should be granted in the present case also.

State Counsel, on the other hand, has clarified that in Puran Chand Wadhwa's case (supra), the notification was 2 months later and it was not the same notification and the judgment of the Apex Court also relates specifically to the subsequent notification. However, it is fairly submitted that for the notification dated 18.02.2002, in RFA-4915-2016 titled *Sheela & others Vs. State of Haryana & others*, decided on 12.07.2017, a Co-ordinate Bench granted the same amount of compensation as in Phool Singh's case (supra), i.e., Rs.13,00,000/- per acre.

Counsel for the appellants, accordingly, has placed on record the order passed by the Apex Court in the appeal titled Sheela & others Vs. The State of Haryana & others (Diary No.5963/2018, decided on

09.04.2018, which is directed against the decision dated 12.07.2017, to point out that further enhancement, as in Rajender Singh's case (supra), has been granted on 09.04.2018, by the Apex Court. Relevant portion of the judgment reads as under:

“As the similar appeal bearing no.19354 of 2017 titled Rajender Singh & Ors. Vs. State of Haryana & Ors. has already been allowed by this court on 17.11.2017, the instant appeal also allowed on the same terms.

However, it is made clear that as there is delay of 124 days in filing this appeal, no interest shall be awarded for that period.

Pending application, if any, also stand disposed of.”

Keeping in view the above facts and to maintain parity, the present appeal is also allowed, by fixing the market value at Rs.20,00,000/- per acre along with statutory benefits. However, it is made clear that on account of the delay of 1528 days in filing the present appeal, the appellants shall not be entitled for the interest element for the said period.

**October 16<sup>th</sup>, 2018**  
*sailesh*

**(G.S.SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:* *Yes/No*

*Whether Reportable:* *Yes/No*