

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RFA No.5294 of 2017
Reserved on : 20.02.2018
Decided on: 16.03.2018

Ramesh & others
State of Haryana & others

Versus

....Appellants
...Respondents

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

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

Ms.Safia Gupta, AAG, Haryana.

G.S. SANDHAWALIA, J.

The present appeal has been filed by the appellant/landowners under Section 54 of the Land Acquisition Act, 1894, against the order of the Reference Court dated 30.11.2010, whereby compensation @ Rs.37,47,232/- per acre was awarded for the land situated in Village Bas Haria.

The appeals of the landowners of the said village regarding Section 4 notification dated 26.02.2002, have been allowed vide judgment dated 09.03.2018 in RFA-2373-2010 titled '**Madan Pal (III) Vs. State of Haryana and another**' and other connected appeals and the appellants are also held entitled for the same benefit. However, in view of the delay of 2300 days in filing the appeal having been condoned vide conditional order dated 20.02.2018, the landowners will not be entitled for the benefit of interest of the enhanced amount, for a period of 2300 days. Relevant part of the judgment dated 09.03.2018 reads as under:

“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 appeal stands allowed, accordingly.

16.03.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No