

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

**RFA No.5347 of 2017 (O&M)
Decided on : 30.07.2018**

Bhim Singh and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Anil Kumar Rana, Advocate
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

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

G.S. Sandhawal, J. (Oral)

CM-13320-CI-2017

The present application has been filed for condonation of delay of 1170 days in filing the appeal.

It is pointed out by the counsel for the appellants that the matter is now covered by the judgment passed in **RFA No.2067 of 2014 'HSIDC now HSIIDC & another Vs. Bijay Singh and others'** decided on 02.05.2018, whereby the market value of the acquired land has been enhanced to ₹72 lakhs per acre alongwith all statutory benefits for the land falling in village Bas Khusla, Gurgaon.

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 by denying the appellants the benefit of

interest for 1170 days in view of the law laid down by 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, the application is allowed. The delay of 1170 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

The appeal under Section 54 Land Acquisition Act, 1894 (for short, the 'Act') is directed against the Award of the Reference Court, Gurgaon dated 17.08.2013, whereby for the notification dated 24.11.2006 issued under Section 4 of the Act, a sum of ₹58,34,400/- per acre acre was assessed as the market value.

This Court in **Bijay Singh (supra)** which was directed against the same Award dated 17.08.2013 also has dismissed the appeals filed by the HSIIDC while allowing the appeal of the land owners, to fix the market value @ ₹72 lakhs alongwith all statutory benefits. The relevant portion of the said order reads as under:-

“Accordingly, this Court is of the opinion that the market value of the land is assessed @ Rs.72,00,000/- per acre along with statutory benefits. The appeals filed by the landowners are allowed by holding that the market value on 24.11.2006 for the land falling in village Bas Khusla is @ 72,00,000/- per acre along with all statutory benefits. However, the appeals filed by the HSIIDC are held to be without any merit

and the same are, accordingly, dismissed.”

The present appeal is also allowed in the same terms. The land owners are held entitled for the compensation @ ₹72 lakhs per acre along with other statutory benefits. However, it is clarified that the appellants shall not be entitled for interest on the enhanced compensation for the delay period of 1170 days in filing the appeal.

JULY 30, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No