

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

RFA No. 680 of 2018 (O & M)

Date of decision: 26.04.2018

State of Haryana and another

....Appellant(s)

Versus

M/s. Sanjosh Realtors and Builders Pvt. Ltd. and another

...Respondent(s)

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

Present: Ms. Safia Gupta, AAG, Haryana,
for the appellants.

Mr. Sanjay Vij, Advocate,
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

Delay Applications

Applications for condonation of delay of 271 days in filing the appeals are allowed, in view of averments made in the application supported by affidavits.

Delay condoned.

RFA Nos. 680 and 681 of 2018 (O & M)

The present order shall dispose of two appeals i.e. RFA Nos. 680 and 681 of 2018, since common questions of facts and law are involved in both the appeals. Reference is being made to ***RFA No. 680 of 2018, State of Haryana and another vs. M/s. Sanjosh Realtors and Builders Pvt. Ltd. and another.***

The present appeal has been filed by the State under Section 54 of the Land Acquisition Act, 1954 (in short 'the Act') and is directed against the award of the Reference Court passed under Section 28-A(3) of the Act

wherein, the compensation has been enhanced to Rs.3,610/- per sq. meter for the land which was acquired vide notification under Section 4 of the Act dated 30.05.2005. The basis of enhancement was the judgment of this Court dated 24.02.2016 in ***RFA No. 3860 of 2014, Ajmer Singh and others vs. State of Haryana and others, 2016 SCC Online 18162.***

It is a matter of record that ***C.A. Nos. 13132-13141 of 2017, Manoj Kumar etc. vs. State of Haryana and others*** has been allowed by the Apex Court vide order dated 13.09.2017 against the said judgment and the amount has been reduced to Rs.95,00,000/- per acre. The relevant portion reads thus:-

“31. The High Court has granted 15% cumulative increase which was not justified. In the decision of Om Prakash (supra) 12% increase was given. Even if we accept some increase annually due to development made after previous acquisition but that could not have been granted on cumulative basis but on a flat basis, that too considering subsequent rate offered for nearby areas. There was no justification to grant 15% cumulative increase per annum. Normally 10% to 12% flat increase is to be given, as observed in [Haridwar Development Authority v. Raghbir Singh & Ors. \(2010\) 11 SCC 581.](#)

32. Even if we calculate compensation by adding between 12 to 13% flat increase, taking base price at Rs.1560/- granted in the case of Swaran Singh in the facts of the case, the price would come approximately to Rs.1.10 crores per acre. Further deduction in addition to deduction made in Swaran Singh’s case (supra) is required to be made towards development, it would be appropriate to deduct further amount of Rs.15 lakhs. Thus the compensation that we award

comes to Rs.95 lakhs per acre, not Rs.1,46,09,000/- as determined by the High Court. Approximation of compensation, when made on comparable sale method, would by and large be similar. We reduce the amount awarded by the High Court. Thus, we deem it appropriate to award the amount @ Rs.95 lakhs per acre along with statutory benefits.

33. The appeals filed by the State are partly allowed and the appeals preferred by the landowners are hereby dismissed.

No costs.”

Counsel for the land owners could not dispute the said facts.

In such circumstances, the award which had been passed by the Reference Court on 08.02.2017, which was prior to the decision of the Apex Court, has to be modified accordingly.

Accordingly, the appeals filed by the State are allowed and it is held that the land owners will be entitled for compensation as directed by the Apex Court alongwith all statutory benefits. The directions issued on 23.02.2018 are confirmed that the amount will be paid within a period of 3 months from the said date and shall be deposited by the State in the bank accounts of the land owners as per the judgment of the Apex Court in ***HSI IDC vs. Pran Sukh, (2010) 11 SCC 175.***

26.04.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No