

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RFA No.70 of 2018(O&M)

Decided on: 20.03.2018

Mukesh

....Appellant

Versus

State of Haryana & others

...Respondents

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

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

Ms. Safia Gupta, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

CM-208-CI-2018

Notice of the application for condonation of delay of 2410 days
in filing the appeal.

Ms. Safia Gupta accepts notice on behalf of the State.

Accordingly, in view of the delay of 2410 days in filing the
appeal is condoned conditionally. However, in view of the judgments of the
Apex Court passed in **Imrat Lal and others v. Land Acquisition
Collector and others, 2015(2) RCR (Civil) 437** and **Dhiraj Singh (D) Tr.
LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507**, the
appellant will not be entitled for the benefit of interest of the enhanced
amount, for a period of 2410 days.

CM stands disposed of.

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The present appeal arises out of the notifications dated
26.02.2002, whereby the land was acquired for Phase-IV of IMT, Manesar,
of the 4 villages, i.e., Villages Bas Kusla, Bas Haria, Dhana & Kasan. The
order of the Reference Court is dated 09.08.2010.

The notification in the present case is '26.02.2002' instead of '26.06.2002', which has also been mentioned in paragraph No.17 of the impugned award.

This Court in **RFA-2373-2010** titled '**Madan Pal (III) Vs. State of Haryana and another**' and other connected appeals, on 09.03.2018, has already fixed the compensation for the said villages @ Rs.41.40 lacs per acre for notification dated 26.02.2002. 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.

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(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, accordingly, stand allowed, in the same terms.

20.03.2018
Sailesh/Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No