

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

RFA No. 819 of 2018 (O & M)

Date of decision: 16.03.2018

Bhagwati and others

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Pavan Malik, Advocate,
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 2097-CI of 2018

Application for condonation of delay of 196 days in filing the appeal has been filed against the award dated 21.05.2014 of the Reference Court, Gurugram.

It has been averred in the application that the certified copy of the award was applied on 02.07.2014 and delivered on 17.07.2014. The appellants were not aware of the decision and came to know about the case from one such appellant who had filed the appeal in the Court and resultantly, there is a delay of 196 days in filing the appeal. Application is supported by affidavit of the appellant.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice.

Keeping in view the above and the fact that the delay is nominal as such, the application is allowed.

Delay condoned.

C.M. No. 2096-CI of 2018

Application has been filed for condonation of delay of 1038 days in refiling the appeal.

In view of the averments made in the application duly supported by affidavit of the counsel that the file had been misplaced with some other files and now the same has been located and the appeal has been filed, the application is allowed.

Delay condoned.

**C.M. No. 2095-CI of 2018 and
RFA No. 819 of 2018**

It is the case of the appellants that the matter is covered and the compensation has been enhanced from Rs.60,00,000/- per acre as awarded by the Land Acquisition Collector for village Kankrola to Rs.1,06,48,000/- per acre. It is a matter of record that in ***RFA No. 5316 of 2014, Pushpender Kumar and others vs. State of Haryana*** decided on 27.05.2016, the amount had been further enhanced to Rs.2,24,97,003/- per acre for notification dated 11.02.2010. However, the same was modified in ***Civil Appeal Nos. 11913-11945 of 2017, State of Haryana and another vs. Pushpendra Kumar and others*** to the tune of 15% towards development costs. Thus, reducing a sum of Rs. 33,74,550/- the market value has, thus, been assessed at Rs.1,91,22,453/- per acre. The operative part of the reduction by the Apex Court reads thus:-

“10. In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not to be treated as

a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.

11. Coming to the question of severance charges, in case there is no land left out after the acquisition, obviously, severance charges would not be granted. It is in the cases where only part of the land has been acquired and there is a severance of the adjacent/remaining area, only in those cases compensation for severance is granted. It stands set aside in the cases where there is no severance.

12. The appeals of State are partly allowed and appeals of owners are dismissed. Pending application, if any, stands disposed of. Let the amount be paid within four months from today.”

Accordingly, the appeal is allowed in the same terms and the land owners will be entitled for compensation of Rs.1,91,22,453/- per acre.

16.03.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No