

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM No.1751-54-CI-2018 in/and XOBJR-26-CI-2018
IN/AND RFA NO.4329-2010

HSIDC now HSIIDC.

VS.

BHAGWAN SINGH AND OTHERS

Present: Mr.Gourav Aggarwal, Advocate for the cross-objectors-
respondents.

Mr.Pritam Saini, Advocate for HSIIDC.

CM No.1753-CI-2018

Application under Section 151 CPC seeking exemption from
filing the certified copies of award dated 27.10.2010 is allowed as prayed
for.

CM stands disposed of.

CM No.1751-CI-2018

Application for condonation of delay of 60 in refilling the cross
objection has been filed. In view of the averments made duly supported by
affidavit of the counsel, the delay in refilling the cross objection is
condoned.

CM stands disposed of.

CM No.1752-CI-2018

Application has been filed for bringing on record legal
representatives of deceased Cross-Objector/ Respondent No.4 Kartar Singh
who expired on 10.07.2016 leaving behind his legal representatives as
mentioned in para No.3 of the application. It has been averred that there is
no other legal heir of the said respondent. Copy of the death certificate is
annexed as Annexure A-1. The application, duly supported by affidavit of

Suresh Devi wd/o Kartar Singh is allowed subject to all just exceptions and the legal heirs of aforesaid deceased are brought on record for pursuing the present appeal only. However, it is made clear that this order shall not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM No.1754-CI-2018.

Application under Section 151 of the CPC has been filed for placing on record the cross objections of the respondent/ cross objector. In view of the averment made, the application is allowed and the cross objections are taken on record.

CM stands disposed of.

Cross Objection No.26-CI-2018 in/and RFA No.4329 of 2010

The appeal is dismissed, however the cross-objections filed by the land owners are allowed, in view of the detailed judgment of even date passed in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'**. The relevant part of the judgment 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.””*

09.03.2018

raman

(G.S.SANDHAWALIA)
JUDGE