

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

(1) **XOBJR No.55-CI-2018 in/and
RFA No.3159 of 2016 (O&M)
Date of Decision:01.05.2018**

HSIDC (now HSIIDC), Panchkula ...Appellant

Versus

Ravinder and others ...Respondents

and

(2) **RFA No.2197 of 2016 (O&M)
Date of Decision:01.05.2018**

Jai Pal and others ...Appellants

Versus

State of Haryana and others ...Respondents

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

Present: Mr. Pritam Singh Saini, Advocate
for the HSIIDC.

Ms. Indu Bala, Advocate for
Mr. Aditya Jain, Advocate
for the appellants in RFA-2197-2016,
for cross-objector/respondent No.16F
in XOBJR No.55-CI-2018.

G.S. SANDHAWALIA, J. (ORAL)

CM-8668-CI-2016 in RFA-3159-2016

Application for condonation of delay of 282 days in filing the appeal has been filed, which has gone uncontroverted and is accordingly allowed, in view of the sufficient cause shown, duly supported by affidavit and delay is condoned.

CM stands disposed of.

Main case:

The above said two appeals along with cross-objection have been filed against the award dated 31.03.2015 passed by the learned

Additional District Judge, Gurgaon whereby the reference petition under Section 18 and 30 of the Land Acquisition Act, 1894 (for short 'the Act') was decided and the market value was fixed @ Rs.37,54,465/- per acre of the land falling in village Bas Khusla. The notification in question is dated 07.03.2002. The reference Court had relied upon the award dated 28.01.2011 (Ex.R5) for fixing the market value of the land in question.

It is not disputed that the said notification was subject matter of consideration in a bunch of cases in which lead case was RFA No.2373 of 2010 '**Madan Pal (III) Vs. State of Haryana and another**' decided on 09.03.2018. The appeals of HSIIDC were dismissed and the appeals and cross-objections of landowners were allowed by assessing the market value 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.”*

Resultantly, the appeal filed by HSIIDC bearing RFA No.3159 of 2016 is dismissed and RFA No.2197 of 2016 along with XOBJR-55-CI-2018 in RFA No.3159 of 2016 filed by the landowners are allowed, accordingly in the above mentioned terms.

It is made clear that by virtue of this order, nothing has been said on the merits regarding the dispute of apportionment under Section 30 of the Act inter se since the cross-objector and the appellant has not agitated the said issue in the present cross-objection.

01.05.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No