

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

**RFA No.836 of 2019 (O&M)
Decided on : 30.04.2019**

Shri Ram (since deceased) through his legal heirs

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Balram Prashar, Advocate
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-2014-CI-2019

Exemption application is allowed, as prayed for.

CM stands disposed of.

CM-2015-CI-2019

Application under Section 5 of the Limitation Act for condonation of delay of 748 days in filing the present appeal has been filed.

Keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 748 days in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236, the application is allowed. The delay of 748 days in filing the appeal is condoned, with the condition that the appellants shall not be

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entitled for interest on the enhanced compensation for the period of delay of 748 days in filing the appeal.

CM stands disposed of.

Main appeal (O&M)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is against the Award of Reference Court, Gurgaon dated 04.11.2016. The notification in question is dated 25.01.2008 whereby land falling in village Kherki Daula, Tehsil & District Gurgaon was acquired for the public purpose for development and utilization of land for 150 meter wide periphery road for linking Dawarka Township Delhi from Gurgaon.

The Reference Court in the petition filed under Section 28-A (3) of the Act had granted a sum of ₹1,02,00,000/- per acre, in view of the judgment passed in **LA Case No.1192 of 2010 'Tek Chand Vs. Land Acquisition Collector etc.'** decided on 29.01.2014, as the Land Acquisition Collector had dismissed the application on 31.12.2014.

It is not disputed this Court in **RFA No.4475 of 2012 'Ram Chander and another Vs. State of Haryana and others'** and other connected cases, decided on 20.05.2016 had enhanced the compensation to ₹1,92,30,400/- per acre. The Apex Court in **Civil Appeal Nos.11814-11864 of 2017 'State of Haryana and others Vs. Ram Chander and another'** decided on 05.09.2017 (Annexure A-2) has reduced the amount by 15%, which works out to ₹1,63,45,840/- per acre. The relevant portion of the said judgment reads as under:-

“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.”

Accordingly, the present appeal is also allowed as per the judgment of the Apex Court. However, it is made clear that the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the period of delay in filing the appeal of 748 days.

APRIL 30, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No