

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.1463 of 2004 (O&M)

Date of Decision: 20.09.2019

Power Grid Corporation of India

... Appellant

VS.

Joginder Singh & Ors.

... Respondents

RFA No.1466 of 2004 (O&M)

Date of Decision: 20.09.2019

Power Grid Corporation of India

... Appellant

VS.

S.Gurbax Singh & Ors.

... Respondents

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

Present: Mr. IS Sidhu, Advocate for the appellant

G.S. SANDHAWALIA, J. (Oral)

CM-8220-CI-2019 IN RFA-1463-2004

CM-8242-CI-2019 IN RFA-1466-2004

The aforementioned applications have been filed for listing the appeals for final hearing in view of the disposal of RFA No. 1654 of 2004 titled Kartar Singh vs. Secretary to Government of Punjab.

Since the connected matters have already been decided against the appellant, the applications are allowed.

Appeals are ordered to be taken up on board.

Main cases (O&M)

This order shall dispose of the aforementioned two appeals by way of common order.

The appeals are directed against the award of the Reference Court, Jalandhar dated 24.02.2004.

Vide judgment dated 02.07.2019 in **RFA No. 1654 of 2004 (Kartar Singh and others vs. Secretary to Govt. of Punjab and others)** while dealing with the connected appeals arising out of same award dated 24.02.2004 and the connected award dated 26.09.2012, this Court had fixed the market value of Rs.6,27,200/- per acre alongwith all statutory benefits. The appeals filed by the landowners were partly allowed whereas the appeals filed by the Power Grid Corporation were dismissed. The relevant portion reads as under:-

*“Thus, keeping in view the close proximity and the fact that there was a cold storage in proximity and housing colony opposite the road and the potentiality of the land, this Court is of the opinion that appropriate deduction should have been applied on the sale exemplar dated 10.03.1995. Keeping in view the judgment of the Apex Court in **Chandrashekar (D) by LRs & others Vs. Land Acquisition Officer & another 2012 (1) SCC 390**, whereby it has been held that deduction could go upto 75%, this Court deems it fit to place a cut of 60% on both accounts (development and smallness) on Rs.15,68,000/- (Ex.P-3) and the amount works out to Rs.9,46,800/-. Therefore, the market value of the land acquired works out @ Rs.6,27,200/- per acre along with all statutory benefits. The said amount of compensation would offset and being inclusive of damages which has been suffered by the landowners, as has also been noticed by the LAC. The present appeals, filed by the landowners are, accordingly, partly allowed, to the above extent.*

However, in RFA-5499-2017, the landowner shall not be entitled for the benefit of interest for the period of 4366 days, on the enhanced compensation i.e., the period of delay in filing the appeal against the second award dated 26.09.2012. The appeals filed by the Power Grid Corporation are, hereby dismissed.”

Keeping in view the above, the present appeals are dismissed.

20.09.2019

vvishal

(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No