

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

102+217

**CM-10505, 10536, 10538 &
10539-CI-2019 in/and
RFA No.1778 of 2004
Decided on : 06.12.2019**

Dalbir Singh

... Applicant/ Appellant

Versus

Secretary to Government Department of Irrigation and Power, Chandigarh
and others

... Respondents

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

Present: Mr. Vijay Rana, Advocate for the applicant/appellant.

Mr. I.S. Sidhu, Advocate for the respondents.

G.S. Sandhawalia, J. (Oral)

CM-10536 & 10538-CI-2019

Application for placing on record Annexure A-1 and for exemption from filing certified copy of the same, are allowed, subject to just exceptions. Office to append the same at the appropriate place.

CMs stand disposed of.

CM-10505 & 10539-CI-2019

Applications have been filed by both sides for disposal of the main appeal in terms of the decision passed in **RFA No.1654 of 2004 'Kartar Singh Vs. Secretary of Government of Punjab & others'** decided on 02.07.2019 (Annexure A-1), on the ground that the matter is covered.

Accordingly, the applications are allowed. The main appeal is taken on board today itself.

CMs stand disposed of.

Main appeal

Vide judgment passed in **RFA No. 1654 of 2004 Kartar Singh and others (supra)**, 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.

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The appeals filed by the Power Grid Corporation are, hereby
dismissed.”

Keeping in view the above, the present appeal is allowed.

DECEMBER 06, 2019

Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No