

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

**CWP No.2979 of 2018
Decided on : 08.02.2019**

M/s Dream Buildcon Pvt. Ltd.

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Vikas Bahl, Senior Advocate with
Mr. Chanderhas Yadav, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the letter dated 11.12.2017 (Annexure P-8), whereby respondent No.3 came to the conclusion that there was no interest payable under Section 34 of the Land Acquisition Act, 1894 (for short 'the Act') regarding the land which had been acquired measuring 100 kanals 1 marla situated in village Vaidwala, District Sirsa, belonging to the petitioner.

In the reply filed by respondents No.1 to 3, the plea taken is that on account of the acquisition the compensation as such has been paid, but an additional amount of ₹10,01,02,798/- was paid over and above. The error as such had occurred on account of the fact that the amount had been paid inadvertently twice. It has further been averred that the Government has decided to de-notify the acquisition of Sector 21 and 22 P, Sirsa due to excess enhancement by the orders of the Courts.

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A notification dated 10.01.2019 issued under Section 101 A of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 has also been appended in support of the same. It has further been mentioned that matter is pending for adjudication before the learned Court of Additional District Judge, Sirsa.

Counsel for the petitioner has also placed on record material to show that an application for permission to set-off the excess paid amount had been filed by the respondents.

In such circumstances, senior counsel on instructions from Mr. Chanderhas Yadav, Advocate submits that he does not wish to press the present writ petition and prays for liberty to avail his remedy in accordance with law. Accordingly, the present writ petition is dismissed as not pressed.

However, for the amount which has been paid in excess, it is always open to the Executing Court/Reference Court as such to adjudicate on the application of the State for refund in accordance with law. The petitioner will be at liberty to raise all pleas including the issue of non-payment of the interest under Section 34 of the Act as alleged and the said Court shall decide said issues, accordingly.

FEBRUARY 08, 2019

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

*Whether speaking/reasoned:
Whether Reportable:*

*Yes/No
Yes/No*