IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. Nos. 11074-CI and 11075-CI of 2019 in/and
RFA Nos. 2806 of 2016 and 2400 of 2017 respectively
Date of decision: 19.12.2019

Vivek ....Appellant(s)

Versus

State of Haryana and others ...Respondent(s)

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

Present: Mr. Kamal Mor, Advocate,
for the applicant-appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. Nos. 11074-CI and 11075-CI of 2019

The present applications have been filed for disposal of the main appeals in terms of ***RFA No. 7185 of 2013, Subhash Kumar vs. State of Haryana and others*** decided on 23.10.2019.

Notice in the applications.

Ms. Vibha Tewari, AAG, Haryana accepts notice.

Keeping in view that the matters are covered and the said cases were not listed on an earlier occasion with the connected appeals, the applications are allowed. Main appeals are taken on Board and are taken up for hearing today itself.

RFA Nos. 2806 and 2400 of 2017

The present order shall dispose of two appeals i.e. RFA Nos. 2806 of 2016 and 2400 of 2017, as common questions of facts and law are involved in both the appeals. Reference is being made to ***RFA No. 2806 of***

2016, Vivek vs. State of Haryana and others.

The present appeal filed under Section 54 of the Land Acquisition Act, 1894, is directed against the Award of the Reference Court, Gurgaon dated 17.08.2013. The Reference Court, for the notification dated 13.01.2010, enhanced the market value from Rs.60,00,000/- per acre to Rs.2,11,75,000/- per acre for village Dhankot. This Court in *Subhash Kumar's case (supra),* while dealing with the said award, has enhanced the market value to Rs.3,08,55,000/- per acre. Relevant part of the order reads thus:-

> *"10. A perusal of the above chart would thus go on to show that the market value as such was hovering around between 2,80,00,000/- to Rs.3,00,00,000/- per acre between November, 2007 to January, 2008 and rather had dipped at that point of time. Ex.P5 which is dated 24.10.2006 is only for 1 kanal 5 marals and, therefore, the high value can be discounted on Rs.4,67,20,000/- per acre and neither the sale deed is proximate in point of time with a difference of over 3 years. Thereafter, there has been a nominal increase in the sale deed executed on 26.05.2011 (Ex.P16) whereby land measuring 13 kanals 2 marals had been sold @ Rs.3,06,74,863/- per acre. Similarly, on 20.05.2011 (Ex.P18) even after 1 year 4 months, the increase is only nominal to the extent of Rs.3,06,31,071/- per acre. The sale deed dated 06.05.2011 (Ex.P17) shows a higher increase @ Rs.3,62,66,154/- per acre, but it was only for 2 kanals 12 marlas of land and on account of the smallness, it is liable to be discounted.*
>
> *11. Counsel for the State is well justified to submit that the enhancement for the intervening period in the present set of facts and circumstances and the*

lack of evidence regarding the increase in prices would not entitle the landowners for more than 10% enhancement on cumulative basis.

12. Accordingly, 10% cumulative increase is granted on Rs.2,55,00,000/- for the intervening period of 2 years, whereby the market value would work out @ Rs.3,08,55,000/- per acre alongwith all statutory benefits.

13. Resultantly, the appeals and cross-objections of the landowners are allowed and the appeals of the State are dismissed.

14. All pending civil miscellaneous applications in which no separate orders have been passed, also stand disposed of, accordingly."

Accordingly, the appeals are allowed in the above said terms. However, the land owners will not be entitled to interest on the enhanced compensation for 754 days in RFA No. 2806 of 2016 and for 1087 days in RFA No. 2400 of 2017 since the delay in filing the appeals was condoned conditionally on 05.12.2016 and 28.02.2016.

19.12.2019 (G.S. SANDHAWALIA)
shivani JUDGE

Whether reasoned/speaking Yes/No

Whether reportable Yes/No