

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

**RFA No.2069 of 2018 (O&M)
Decided on : 02.07.2019**

Ghanshyam

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Amit Gupta, Advocate for
Mr. Kul Bhushan Sharma, Advocate
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-4570-CI-2018

Application for condoning the delay of 641 days in filing the appeal has been filed against the Award dated 02.03.2016 passed by the Reference Court, Palwal.

Keeping in view 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, and the fact that the matter has already been settled upto the Apex Court, the application is allowed, conditionally. The delay of 641 days in filing the appeal is condoned, with the condition that the benefit of interest for 641 days will not be granted to the appellant on the enhanced compensation.

CM stands disposed of.

CM-2691-CI-2019

Application has been filed for disposal of the case in terms of judgment of the Apex Court passed in **Special Leave to Appeal (C) No.(s) 20674 of 2016 'Adani Logistics Ltd. Vs. Land Acquisition Collector and others'** dated 02.11.2017, whereby for the notification in question i.e. dated 15.06.2006 issued under Section 4 of the Land Acquisition Act, 1894, the deduction has been reduced to 15% and thus, the market value would work out to ₹32,30,000/- per acre.

Accordingly, keeping in view the above and the fact that the matter is squarely covered, the application is allowed.

Main appeal

It is not disputed that for the notification in question this Court in **RFA No.5231 of 2013 'Bhagwan Dass Vs. State of Haryana and others'** decided on 10.09.2015 had enhanced the compensation from ₹16 lakhs per acre to ₹22,80,000/- per acre. Reliance had been placed upon the sale deed dated 07.04.2006 (Ex.P17), which was of village Agwanpur for the land measuring 39 Kanals 9 Marlas and the average sale price worked out @ ₹38 lakhs per acre. A cut of 40% had been put to fix the market value.

As noticed above, the Apex Court in view of the sale exemplar of being around 5 acres has reduced the development cut to 15% and the market value now would work out to ₹32,30,000/- per acre. The relevant part of the order of the Apex Court passed in **Adani Logistics (supra)** reads as under:-

“In the instant case, sale instance was for approx. 5 acres; it was a bonafide transaction and has been rightly relied upon. Thus for smallness of area, no deduction was permissible as sale deed was for 5 acres. For the development, however, certain deduction was definitely required to be made. But deduction of 40% that has been made for smallness as well as for development, could not be said to be appropriate. Reliance has been placed on a decision of this court wherein, land had been acquired on Delhi Gurgaon Road with more or less similar kind of development; 15% deduction towards development was held to be sufficient in the peculiar facts of the said case. Though deduction on higher side can also be made for development, but it would depend upon the facts of each case. In the instant case, considering the development that has taken place around the land, and the situation of the land being near the market, the aforesaid deduction would be appropriate.

Hence, in our considered opinion, instead of 40%, 15% deduction would be appropriate; rest of the Award is not disturbed. The payment be made as early as possible within four months.

The appeals are allowed to the aforesaid extent.”

Resultantly, the present appeal is also allowed in terms of the aforesaid order of the Apex Court.

JULY 02, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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