

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

RFA No.3213 of 2017 (O&M)

Decided on : 03.09.2019

Ranbir Singh

... Appellant

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Ashok Kumar Jindal, Advocate for the appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Gaurav Aggarwal, Advocate
for respondent No.17-Shashi Bala Goyal.

G.S. Sandhawalia, J. (Oral)

CM-7512-CI-2017

Application under Section 5 of the Limitation Act for
condonation of delay of 773 days in filing the present appeal has been filed.

The Award of the Reference Court, Gurugram is dated 19.09.2014.

Keeping in view the averments made in the application and the
fact that connected appeals stand allowed and the matters have been
remanded to the Reference Court, this Court is of the opinion that the delay
is liable to be condoned, conditionally in view of the judgment 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. The
application is allowed and the delay of 773 days in filing the appeal is
condoned, with the condition that the appellant shall not be entitled for
interest on the enhanced compensation, in case enhancement is to be
granted by the Reference Court on re-decision.

CM stands disposed of.

Main appeal (O&M)

It is not disputed that the Award dated 19.09.2014 was subject matter of consideration in a bunch of cases, lead case of which was **RFA No.4670 of 2013 'HSI IDC Vs. Kanwar Singh and others'**. This Court remanded the matter for fresh decision on 20.03.2018 by noting as under:-

“The acquisition was for construction and development of Toll Plaza connecting National Highways No.1, 10, 8 & 2. The compensation awarded by the Land Acquisition Collector was Rs.35 lacs per acre qua the Section 4 notification dated 11.12.2007. The Reference Court enhanced the compensation on the basis of applying a 12% cumulative increase on the award passed (Ext.P-7) in *Dharam Singh Vs. State of Haryana*, pertaining to Village Babra Bakipur, wherein the acquisition was for construction of Kundi-Manesar-Palwal Express Highway, connecting the National Highways No.1, 10, 8 & 2. The notification in that case was dated 11.01.2005 and therefore, enhancement was granted on the principle of cumulative increase and the Reference Court assessed the market value at Rs.60,12,091/- per acre.

It is not disputed that a Co-ordinate Bench in **Attar Singh Vs. State of Haryana & others 2016 SCC Online P&H 11618**, on 05.02.2016, enhanced the amount to Rs.62,11,700/-, for the notification dated 11.01.2005, which was the basis for enhancement. The Apex Court in CA-885-2018 titled *Surender Singh Vs. State of Haryana & others*, decided on 25.01.2018, set aside the said judgment and remanded the matter to the Reference Court, to decide the reference cases, afresh. Relevant portion of the judgment reads as under:

“42. In the light of the foregoing discussion, we find it difficult at this stage to determine the fair market rate of the acquired land for want of sufficient evidence. If we do, it will cause prejudice to the parties. We, therefore, refrain from doing so.

43. In view of the foregoing discussion, we allow the appeals filed by the State, set aside the impugned judgment and the award of the Reference Court (Civil Courts) and remand the cases to the Reference Court for deciding all reference cases afresh on merits keeping in view our observations made supra.

44. Parties would be at liberty to adduce additional evidence in support of their respective stand both oral and documentary. The Reference Court will accordingly decide the rate of land as prevalent on the date of acquisition in the light of law laid down by this Court strictly in accordance with law uninfluenced by any finding of the High Court and this Court on the merits.

45. Parties to appear before the Reference Court on 05.02.2018 to enable the Reference Court to proceed in the cases and ensure its disposal within one year from the date of appearance of the parties as an outer limit. The original record of the case, if requisitioned here, be sent back forthwith to the concerned Reference Court.

46. Since we have remanded these cases to the Reference Court for fresh adjudication on merits in accordance with law, the appellants (landowners) are entitled to get back the amount of court fee paid by each appellant (landowner) on his appeal memo before the High Court as also before this Court as provided under [Section 13](#) of the Court Fees Act.”

Once the award which had been relied upon and which is the basis of enhancement for the notification dated 11.12.2007 has itself been set aside and the matter has been remanded for fresh decision, the present award cannot be sustained.

Counsels for the parties also could not dispute the said proposition.

Accordingly, the present set of appeals are disposed of, by remanding the matter to the Reference Court, for a fresh decision, in the same terms as in *Surender Singh's case* (supra). Needless to say that whatever amount the landowners have received, the same shall not be recovered from them, till the

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decision of the Reference Petitions.”

Thereafter, it was also noticed in **Cross Objection No.3-CI-2016 in RFA No.10253 of 2014 'Ravinder Kumar Goel Vs. Shamlat Patti Bhana and others'** on 05.04.2018 that in the earlier order the factum of the Reference Court Award dated 19.09.2014 for village Sultanpur had been missed out. Resultantly, it was ordered that the same be read in continuation of the earlier order while disposing of the cross-objections having become infructuous.

It is pointed out by the counsel the present appeal arises out of Section 18 and 30 and there were three references before the Reference Court. The references of Shashi Bala Goyal and Ravinder Kumar Goyal etc. were subject matter of appeal in **Kanwar Singh's case (supra)** in RFA Nos.10253, 10302 and 10303 of 2014.

Accordingly, keeping in view the above, this Court is of the opinion that the matter is covered and has to be remanded in the same terms. Resultantly, the matter is remanded to the Reference Court for a fresh decision. Parties shall put in appearance before the Reference Court, Gurugram alongwith connected matters which are stated to be listed on 03.10.2019.

SEPTEMBER 03, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No