

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-7794-CI-2019 in/and
RFA-2563-2018 (O&M)
Date of decision: 09.09.2019**

M/s Sahara Residentials Pvt. Ltd.Appellant
Versus
Land Acquisition Collector & others ...Respondents

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

Present: Mr.Saurabh Dalal, Advocate, for the applicant/appellant.
Mr.Shivendra Swaroop, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

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Application for placing on record affidavit of authorized person of the appellant, Shri Mahavir Prasad, whereby it has been averred that the land is falling in Village Choma, is allowed. Same is taken on record. Office to place the same at appropriate place.

CM stands disposed of.

CM-5657-CI-2018

Allowed, as prayed for.

CM-5656-CI-2018

Application for condoning the delay of 1154 days in filing the appeal is allowed, in view of the averments made in the applications, duly supported by affidavit and a condition is imposed upon the landowners, for the period of delay, as the interest of the State can be protected, in view the law laid down in the judgments of the Apex Court passed in **Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133** and **Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and**

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others, 2014 (14) SCC 127. Delay of 1154 days in filing the application is hereby condoned.

CM stands disposed of.

CM-5658-CI-2018

Application has been filed for disposing of the appeal, in terms of RFA-4475-2012 titled *Ram Chander & another Vs. State of Haryana & others*, decided on 20.05.2016.

Accordingly, in view of the averments made in the application, duly supported by affidavit, same is allowed.

CM stands disposed of.

RFA-2563-2018

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894, arises out of the award of the Reference Court, Gurgaon dated 02.01.2015, whereby land falling in Village Choma had been acquired vide notification dated 25.01.2008 and the award had been passed by the LAC, for Rs.60 lakhs per acre. The Reference Court had enhanced the amount to Rs.1,84,00,000/- per acre and in Ram Chander (supra), this Court has granted Rs.4,78,05,588/- per acre. The Apex Court, in CA-11814-11816-2017, has reduced the market value by 15%. Resultantly, the market value works out to Rs.4,06,34,750/- per acre along with statutory benefits. The relevant portion reads as under:

“10. In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not to be treated as a precedent in any other case. Thus, we

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modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.”

State Counsel could not dispute the above factual aspect.

Resultantly, the present appeal is also allowed to that extent.

It is, however, clarified that the appellant shall not be entitled for the benefit of interest on the enhanced compensation for 1154 days.

09.09.2019

Sailesh

(G.S. SANDHAWALIA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No