

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

**CM-200-CI-2019 in/and
RFA No.3961 of 2017
Decided on : 28.02.2019**

Bhani Sahay (since deceased) through L.Rs. and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. B.K. Bagri, Advocate
for the applicant/appellants.

Ms. Vibha Tewari, AAG, Haryana
for respondents No.1 & 2.

Mr. Vikas P. Singh, Advocate
for respondents No.3 & 4.

G.S. Sandhawalia, J. (Oral)

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Application for deciding the appeal in terms of judgment dated 05.09.2017 passed by the Apex Court in **Civil Appeal No. 8757 of 2016, 'Arawali Power Company Private Ltd. vs. Joginder Singh Tokash and others'** has been filed.

Mr. Vikas P. Singh, Advocate does not dispute the above position.

Accordingly, the application is allowed and the main case is taken on board today itself.

CM stands disposed of.

Main appeal

The present appeal has been preferred against the award dated 16.12.2011 of the Reference Court, Rewari, whereby, the Reference Court had granted the benefit of enhancement to Rs.18,00,000/- per acre from Rs.16,00,000/- per acre which was awarded by the Land Acquisition Collector.

Counsel for the appellant submits that in RFA-2057-2012 titled *Jai Lal Vs. State of Haryana & others*, decided on 11.05.2016, a Co-ordinate Bench of this Court fixed the market value @ Rs.32,77,452/- per acre plus 30% on account of severance charges. It is pointed out that in the case of **Joginder Singh Tokash (supra)** before the Apex Court, the amount of compensation which was awarded by this Court i.e. Rs.29,00,400/- per acre has been scaled down to Rs.25,00,000/- per acre along with statutory benefits. Relevant portion of the same reads thus:-

“In the peculiar facts and circumstances of the case, we find that it would be appropriate to make approximately 15% deduction towards development and in the facts and circumstances of the case, we grant compensation at the rate of Rs.25,00,000/- (Rupees twenty five lakhs only) per acre alongwith statutory benefits. Consequently the appeals filed by the Company are partly allowed and the cross appeals/cross objections preferred by the owners are hereby dismissed. No costs.”

Accordingly, keeping in view the said facts and to maintain parity, the present appeal is also allowed and the appellants are held entitled for the said amount i.e. Rs.25,00,000/- per acre alongwith all statutory benefits. Since, the appeal was filed and the application for

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condoning the delay of 1938 days was allowed vide order dated 03.04.2018, the landowners will not be entitled for the benefit of interest on the enhanced compensation for the abovesaid period.

FEBRUARY 28, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No