

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.583 of 2018 (O&M)

Decided on : 14.02.2019

Ashok Kumar & another

... Appellants

Versus

State of Haryana & others

... Respondents

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

Present : Mr.Avnish Mittal, Advocate, for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

Ms.Monika Tanwar, Advocate, for respondents No.4 & 5.

G.S. Sandhawalia, J. (Oral)

CM-1506-CI-2018

The present application, for condoning the delay of 1309 days in filing the appeal, is allowed and the delay of 1309 days in filing the appeal is hereby condoned, keeping in view the judgments of the Apex Court in **Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437** and **Dhiraj Singh (D) Th. LRs. Vs. Haryana State & others 2015 (2) RCR (Civil) 507**. However, the appellants shall not be entitled for the interest element, for the said period of delay.

CM stands disposed of.

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The present appeal, filed under Section 54 of the Land Acquisition Act, is directed against the award of the Reference Court, Yamunanagar at Jagadhri dated 11.02.2014, whereby a sum of Rs.1560 per sq.meter was awarded as on 30.05.2005, i.e., the date of publication of the Section 4 notification.

This Court in RFA-3860-2014 titled *Ajmer Singh & others Vs. State of Haryana & others*, decided on 24.02.2016 (Annexure A-1),

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enhanced the compensation to Rs.3610/- per sq.meter. The Apex Court in **Manoj Kumar & others Vs. State of Haryana & others 2018 (2) RCR (Civil) 815**, has modified the order of this Court and the market value has, now, been determined @ Rs.95 lakhs per acre along with all statutory benefits. Relevant portion of the judgment reads as under:

“32. Even if we calculate compensation by adding between 12 to 13% flat increase, taking base price at Rs.1560/- granted in the case of Swaran Singh in the facts of the case, the price would come approximately to Rs.1.10 crores per acre. Further deduction in addition to deduction made in Swaran Singh's case (supra) is required to be made towards development, it would be appropriate to deduct further amount of Rs.15 lakhs. Thus the compensation that we award comes to Rs.95 lakhs per acre, not Rs.1,46,09,000/- as determined by the High Court. Approximation of compensation, when made on comparable sale method, would by and large be similar. We reduce the amount awarded by the High Court. Thus, we deem it appropriate to award the amount @ Rs.95 lakhs per acre along with statutory benefits.

33. The appeals filed by the State are partly allowed and the appeals preferred by the landowners are hereby dismissed.

No costs.”

State Counsel could not dispute the said proposition.

Accordingly, the present appeal is also allowed, in the above-said terms, except for interest on the enhanced amount, for the period of 1309 days.

FEBRUARY 14th, 2018
sailesh

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No