

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

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RFA No. 5287 of 2018 (O & M)

Date of Decision: 2.5.2019

Dharam Bir and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

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

Present:- Mr. Amit Jain, Advocate, for the petitioners

Ms. Vibha Tiwari, AAG, Haryana

Mr. Pritam Saini, Advocate, for HSIDC

G.S. SANDHAWALIA, J. (Oral) :

CM No. 12442-CII of 2018 :

Notice in the application for condonation of delay of 2368 days in filing the appeal.

Ms. Vibha Tiwari, AAG, Haryana accepts notice for respondent No.1 and Mr. Pritam Saini, Advocate accepts notice for respondents No.2 and 3. Copies supplied.

It is pointed out that the matter is covered by the judgment of the Apex Court in '**Sachin v. State of Haryana, 2016 (5) Scale 598**' and the market value of villages Harsaru and Garauli Khurd has been fixed at Rs.47,60,000/- after reducing the cut to 30%.

Keeping in view the judgments of the Supreme Court in '**Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2) RCR (Civil) 437**' and '**Dhiraj Singh (D) through LRs v. Haryana State and others, 2015 (2) RCR (Civil) 507**', delay in filing the appeal is condoned

conditionally as the land owners are not entitled to interest on the enhanced compensation, for the said delay.

Main Case :

The appeal arises out of award of Reference Court, Gurugram dated 30.4.2012 for the Notification under Section 4 dated 29.1.2003.

This Court had granted compensation @ Rs.40,80,000/-per acre in RFA No. 2174 of 2012 titled as **Savitri Devi v. The Land Acquisition Collector, Gurgaon and others**, decided on 23.9.2014. As noticed, the Apex Court has reduced the cut to 30%. The relevant portion reads as under:-

“13. There is no doubt that considering the facts and circumstances of the case, some cut is necessary for the reasons that have been given by the High Court. However, having considered the entire material on record, we are of the opinion that the cut made by the High Court appears to be quite reasonable for villages Khandsa, Narsingpur and Mohammadpur Jharsa. We find no reason to interfere with the order passed by the High Court in this regard and we endorse and uphold the view of the High Court and find it unnecessary to repeat the reasons.

14. As far as the other two villages are concerned namely Harsaru and Garauli Khurd, looking into the facts and circumstances of the case, we are of the opinion that the cut of 40% imposed by the High Court is slightly on the higher side and therefore, we reduce it to 30%. It is ordered accordingly.”

Keeping in view the above, appeal is disposed of in the same terms by fixing the market value at Rs.47,60,000/-. However, it is made clear that interest on the enhanced compensation shall not be given to the land owners for the delayed period of 2368 days.

(G.S. SANDHAWALIA)
JUDGE

22.1.2019

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No