

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

RFA-13553-2018 (O&M)
Date of decision: 27.08.2019

Shivwati (deceased) th LRs & othersAppellant

Versus

Chandigarh Administration & others ...Respondents

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

Present: Mr.P.C.Dhiman, Advocate, for the appellants.

Mr.Pankaj Jain, Sr.Standing Counsel
with Mr.Chetan Dayal, Advocate, for the respondents.

G.S. SANDHAWALIA, J. (Oral)

CM-13112-CI-2018

Application for condonation of delay of 994 days in filing the present appeal.

Accordingly, keeping 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 others, 2014 (14) SCC 127** and in view of the averments made in the application, duly supported by affidavit, delay of 994 days in filing the present appeal is condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest for 994 days on the enhanced compensation.

CM stands disposed of.

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The present appeal, filed under Section 54 of the Land Acquisition Act, 1894, is directed against the award of the Reference Court,

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Chandigarh, dated 09.10.2015, for the notification dated 20.02.2003, for which, the Land Acquisition Collector had passed award No.567/23.03.2004 and granted Rs.10,50,080/- per acre. The Reference Court dismissed the reference petition on the ground that only one of the claimants had appeared and produced the earlier judgments passed by the Reference Court dated 22.11.2011, 12.05.2012 and 16.03.2013. It was, accordingly, held that different judgments placed on record were not binding as the same had not attained finality and were not covered.

The said view, on the face of it, is not sustainable, on account of the fact that it is settled principle that the award passed by the Reference Court are relevant piece of evidence. In the present case, the award was titled **Amit Bakshi & another Vs. Union Territory** (Ex.A-1).

Mr.Dhiman submits that Ex.A-1 was qua the award dated 22.11.2011, pertaining to the same notification and therefore, the view taken is perverse, as such.

This Court, in RFA-2680-2012 titled Ishar Singh Vs. Union Territory, Chandigarh, decided on 11.02.2019, while dealing with the said set of appeals, for the 4 notifications, for the land falling in Manimajra, has granted Rs.35,71,200/- per acre along with all statutory benefits, for the notification dated 20.02.2003, in question. Relevant portion of the judgment reads as under:

“Conclusion:

53. Accordingly, the present appeals are allowed, in the following terms:

- (i) Uniform compensation is granted, by modifying the awards dated 21.09.2011, 12.05.2012, 07.09.2012,

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19.09.2012, 26.02.2013, 16.03.2013, 12.02.2015 and 09.10.2015, by awarding Rs.26,02,807/- per acre, for the notification dated 01.10.2002.

(ii) For the notification dated 20.02.2003, the market value is assessed @ Rs.35,71,200/- per acre.

(iii) For the notification dated 02.06.2004, the market value is assessed @ Rs.42,90,845.

(iv) Lastly, for the fourth notification dated 03.08.2007, the market value is assessed @ Rs.56,82,730/- per acre.

54. The Administration shall comply with the directions issued in '**HSI IDC Vs. Pran Sukh**' (2010) 11 SCC 175 and the above amount shall carry all the statutory benefits except as denied by the Reference Court qua the amount for the fruit bearing trees, non-fruit bearing trees, super-structures and tubewells."

Resultantly, the present appeal is also allowed in the same terms. However, the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the delayed period of 994 days in filing the present appeal.

27.08.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No