

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

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**RA-RF-103-2019 (O&M) in
RFA No.2950 of 2006
Decided on : 05.02.2020**

Brahm Parkash Maan

... Review Applicant/Appellant

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Pawan Kumar Hooda, Advocate
for the review applicant/appellant.

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

Mr. Deepak Balyan, Advocate
for the respondent No.3-HSIIDC.

G.S. Sandhawalia, J. (Oral)

CM-8288-CI-2019

Application under Section 5 of the Limitation Act for condonation of delay of 1388 days in filing the present review application has been filed.

Keeping in view the averments made in the application and in view of the fact that the interest of the respondents can be protected by denying the appellant the benefit of interest for 1388 days in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236, the application is allowed.

The delay of 1388 days in filing the review application is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

RA-RF-103-2019

The order dated 03.11.2015 vide which the case was disposed of in terms of RFA No.1854 of 2002 Bhim Sain Juneja vs. State of Haryana & Ors. is sought to be reviewed. The notification in question is dated 05.08.1997 and vide main judgment, the compensation was assessed @ ₹10,40,000/- per acre for the land beyond 4 acres from GT road while disposing of the bunch of cases dealing with different notifications. In view of the order of Apex Court, review applications were filed before the Coordinate Bench which had decided the main case.

The review applications were allowed on 21.11.2016 (Annexure A-2) by noticing that while assessing the compensation, the value was assessed only for the land, which was located beyond 4 acres from GT Road and the value upto 4 acres was not assessed and there was error apparent on record to that extent. Resultantly, the market value was re-assessed and compensation was granted @ ₹20 lakhs per acres upto the depth of 880 ft. for the land abutting GT Road and ₹14 lakhs per acre for the land beyond that. The relevant portion of the order dated 21.11.2016 reads as under:-

“To sum up, it is held that the for the land abutting GT Road upto the depth of 880 feet, the applicants-landowners shall be

entitled to compensation @ ₹20,00,000/- per acre, whereas for-
the land located beyond that, they shall be entitled to
compensation @ ₹14,00,000/- per acre. The
applicants/landowners shall also be entitled to all statutory
benefits available under the Act.”

The matter was thereafter taken by the landowners to the
Apex Court which has been dismissed in **SLP(C) No.16940-16941/2016**
(Kewal & Ors. vs. State of Haryana & Ors.) 07.07.2017 by holding as
under:-

“Heard.

We do not see any ground to interfere except to direct that the
value of the area upto 880 feet from GT Road shall be
Rs.20,00,000/- (Rupees Twenty Lakhs) per acre and for the
remaining land Rs.14,00,000/- (Rupees Fourteen Lakhs) per
acre.

The special leave petitions are accordingly disposed of.

Pending applications, if any, shall also stand disposed of.”

Thereafter other SLPs pertaining to the main order dated
03.11.2015 and the review applications filed by the Corporation were
dismissed on 17.07.2018 in case **HSI IDC & Anr. vs. Parmeshwari &**
Ors.

Accordingly, keeping in view the above, the present review
applications are allowed in terms of **Review Application No.173-CI of**
2016 (O&M) in RFA No.3520 of 2006 Bhim Singh & Ors. vs. State of
Haryana & Anr., decided on 21.11.2016 conditionally by denying the
benefit of interest. The judgment dated 03.11.2015 is modified
accordingly. However, the benefit of interest for the 1388 days will not

be granted to the landowner, in view of the delay which has occurred in
filing the review application.

FEBRUARY 05, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No