

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

RFA No. 3601 of 2018 (O & M)

Date of decision: 21.01.2020

Naresh Kumar

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Ram Pal Verma, Advocate,
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Saini, Advocate,
for HSIDC.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 8114-CI of 2018

Application for condonation of delay of 3708 days in filing the appeal is allowed in view of averments made in the application duly supported by affidavit conditionally keeping in view the law laid down by the Apex Court 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* that the appellants are not be entitled for the benefit of interest for 3708 days on the enhanced compensation.

RFA No. 3601 of 2018 (O & M)

The present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 (in short 'the Act') against the order of the Reference Court, Sonapat dated 01.04.2008. The notification in question is dated

21.11.2002. The Reference Court has granted uniform compensation @ Rs.4,26,000/- per acre for the villages Barhi and Garhi Kesari upto the depth of 4 acres from the National Highway whereas the award of the Collector was upheld for the land beyond the said distance. The acquisition was for the development of the Industrial Estate, Phase II in Tehsil Gannaur, District Sonapat. The said amount was enhanced by this Court in ***RFA No. 3328 of 2008, Shingari Devi (D) through L.Rs. and others vs. State of Haryana and others*** on 03.11.2015 by allowing the appeals of other land owners and dismissing the appeals of HSIDC as under:-

“14. Considering the aforesaid facts, in my opinion, the landowners deserve to be granted increase @ 12% per annum for the time gap of five years on the value of the land as assessed in Umed Singh's case (supra), where notification under Section 4 of the Act was issued on 17.9.1997 pertaining to the adjoining land and applying the same principle regarding belting, the landowners are held entitled to compensation @ Rs. 10,00,000/- per acre for the land abutting GT road upto a depth of 2 acres and Rs.5,80,000/- (rounded off) per acre for rest of the land located behind that. The landowners shall also be entitled to all the statutory benefits available to them under the Act.

15. For the reasons mentioned above, the appeals filed by the landowners are allowed and the appeals filed by HSIIDC are dismissed.”

It is conceded amongst the counsels that ***SLP (C) No. 2589 of 2016, Shingari Devi (D) through L.Rs. vs. State of Haryana*** was dismissed on 05.02.2016.

Resultantly, keeping in view the above, the present appeal is allowed in the same terms. However, the appellants are not entitled for the

benefit of interest for 3708 days on the enhanced compensation.

21.01.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No