

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

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**RFA No.4717 of 2018 (O&M)
Decided on : 03.03.2020**

Lakhpat and another

... Appellants

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Ishan Sondhi, Advocate for
Mr. Vinod S. Bhardwaj, Advocate,
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-11160-CI-2018

Application under Section 5 of the Limitation Act for condonation of delay of 1683 days in filing the present appeal has been filed.

Keeping in view the fact that the matter is covered and the interest of the State can be protected by denying the appellants the benefit of interest for 1683 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 1683 days in filing the appeal is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

Present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'), is directed against the Award dated 08.10.2013 passed by the Reference Court, Gurgaon.

The notification under Section 4 of the Act was issued on 04.02.2008, whereby land falling in village Basai was acquired for the development and utilization of the same for Water Works in Sector 100, Gurgaon.

The Reference Court has granted a sum of ₹1,75,00,000/- per acre, in view of the earlier award passed in **LA Case No.415 of 2010 'Samender Singh Vs. State of Haryana and others'** decided on 15.10.2012 (Ex.PA). The said award was subject matter of consideration in **RFA No.6676 of 2012 'Gobind and another Vs. The State of Haryana and another'** and other connected matters decided on 23.05.2016, whereby the market value of the land in question was enhanced to ₹2,50,00,000/- per acre alongwith all statutory benefits.

The Apex Court in **Civil Appeal Nos.11365-11374 of 2017 'Samender Singh etc. Vs. State of Haryana and another'** decided on 05.09.2017, has reduced the amount by 15%, on account of the development cut. The relevant portion of the said judgment reads as under:-

“9. In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and

the development which has taken place all around. This order not to be treated as a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.”

Resultantly, the market value as such would come down by ₹37,50,000/- to ₹2,12,50,000/- per acre alongwith all statutory benefits. Accordingly, the present appeal is also disposed off in the above said terms. However, the benefit of interest on the enhanced compensation for the period of delay of 1683 days shall not be granted to the landowners.

Disposed off.

MARCH 03, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No