

M/S CORAL CHEMICAL PVT LIMITED V/S STATE OF HARYANA AND OTHERS

Present: Mr.Shailendra Jain, Sr. Advocate with
Mr. Satyendra Chauhan and Mr. Mohit Garg, Advocates
for the review-applicant/petitioner.
Mr. Ankur Mittal, Addl.A.G. Haryana.

Vide this application the applicant-petitioner seeks review of the order dated 01.12.2020, passed in CWP No.7648 of 2017, whereby the petition filed by the applicant-petitioner was dismissed, in terms of, the judgment rendered by the Hon'ble Supreme Court in **Indore Development Authority Vs.Manohar Lal and others AIR 2020 SC 1496**.

The review of the order (ibid) is being sought on the ground that although this Court dealt with the issue of deemed lapsing under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act'), however the other pleas upon which the applicant had laid challenge to the speaking order dated 20.02.2017, passed by the authority, rejecting the claim of the applicant under Section 24(2) of the Act, were not examined:-

“(a) In para No.61 of the judgment dated 01.12.2020, this Court has quoted the erroneous fact-finding recommendation of the Zonal Committee.

(b) The land of similarly situated units namely M/s North Land Rubber Mills, M/s Jyoti Celebrate Solvent and Refinery, M/s BALAJI SE SHRI Industries, were released from the acquisition proceedings on the ground of CLU permission, inspite of being located along NH-1 and falling with 50 mtr. wide green belt/18 mtr. wide service road of the Final Development Plan of Sonapat-Kundli, Multifunctional Urban Complex 2021 AD.

(c) The fact that site of the petitioner unit is falling in a non-confirming zone of the Final Development Plan of Sonapat-Kundli Multifunctional Urban Complex 2021 AD was inconsequential for rejecting the case of the petitioner as the said factor was not taken into consideration while releasing the land of the aforesaid industrial units”.

During the hearing, learned Senior counsel for the petitioner, fairly conceded that as far as the issue of Section 24(2) of the Act of 2013, is concerned, the matter is squarely covered by the ratio of law laid down in **Indore Development Authority (supra)**. However, in reference to para 61 of the judgment, it was contended that the observations/findings recorded by this Court are erroneous as the same are based on the impugned order, the petitioner was/is aggrieved by, and thus, while considering the claim under Section 24(2) of the Act, there was no need to venture into this aspect.

On the other hand, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, appearing on advance notice, supports the judgment passed by this Court. He contends that there is no infirmity much less any error apparent in the judgment. Further, the grounds on which the review has been sought are beyond the scope of review jurisdiction of this Court.

Having heard learned counsel for the parties and perused paragraphs 57 to 64 of the order passed by this Court in relation to the writ petition filed by the review applicant/petitioner i.e. CWP No.7648 of 2017, we are of the considered view that no ground at all is made out to review our order dated 01.12.2020. Concededly, the validity of the acquisition proceedings had already been upheld by the Supreme Court in an earlier round of litigation, initiated by the applicant, vide judgment an order dated 24.02.2015. However, the applicant was granted liberty to approach the appropriate authority to move an application under Section 24(2) of the Act. Accordingly, an application was moved by the applicant which was rejected by the authorities, vide order dated 20.02.2017. For, the authorities while rejecting the claim of the applicant concluded that possession of the land in question was obtained, vide rapat No.565 dated 02.03.2006, and even the compensation had since been tendered, which indeed are the two main ingredients of Section 24(2) of the Act. Thus, that plea set out by the applicant that acquisition proceedings stood lapsed under Section 24(2) of the Act, was erroneous and remained unsubstantiated.

As regards the effect on planning is concerned, which finds mention in para No.61 of the judgment dated 01.12.2020, we do not find any error or infirmity in the same as the land acquired is planned by the Government for achieving the public purpose only, and the consideration of the effect on planning is a vital aspect while rejecting or accepting the claim of the landowner. Thus, on this ground as well the review is not maintainable.

Upon being pointedly asked, learned Senior counsel for the applicant could not refer to anything on record to show if the order under review suffered from any error apparent on the face of the record. Accordingly, the review application is dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

28.10.2021
Manoj Bhutani