

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

1. Date of decision: 01.04.2021
LPA No.664 of 2018 (O&M)

State of Haryana and others ...Appellants
Vs.

M/s Souvenior Ceramics ...Respondent

2. LPA No.953 of 2018 (O&M)

State of Haryana and others ...Appellants
Vs.

M/s Suraj Lamp and Industries Private Limited ...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Hitesh Pandit, Addl. A.G., Haryana,
for the appellants (State).

Mr. Akshay Bhan, Senior Advocate,
with Mr. Alok Mittal, Advocate,
for the respondent (in LPA No.664 of 2018).

Mr. Chetan Mittal, Senior Advocate,
with Mr. Mohinder Nain, Advocate,
for the respondent (in LPA No.953 of 2018).

Ritu Bahri, J.

CM-395-LPA-2021

In view of the averments mentioned in the application, main
appeal i.e. LPA No.664 of 2018 is preponed and taken up today itself for
disposal.

Misc. application stands allowed accordingly.

**CM-1819-IPA-2018 &
CM-1821-LPA-2018**

For the reasons mentioned in the applications, same are allowed

and delay of 165 days in filing and 173 days in refiling of the appeal (LPA-664-2018) is condoned.

LPA Nos.664 and 953 of 2018 (O&M)

This judgment will dispose of LPA No.664 of 2018 and 953 of 2018 together as common questions of law and facts are involved in both the appeals. Moreover, both appeals have arisen out of common judgment passed by the learned Single Judge of this Court. For reference, facts are being taken from LPA No.664 of 2018.

Present Letters Patent Appeals are filed against the judgment dated 22.03.2017 passed by the learned Single Judge of this Court, whereby separate petitions (CWP No.7831 of 2001 and 7832 of 2001) filed by petitioner(s) M/s Souvenior Ceramics and M/s Suraj Lamp & Industries Pvt. Ltd. (respondents herein) have been allowed vide a common judgment, keeping in view the order dated 18.09.1998 (Annexure P-15), whereby the High Powered Committee had assessed the price of the land at Rs.3200/- per square yard, as fixed by the PWD authorities, which was to be paid by the petitioner(s) to the respondent-State (appellant(s) herein) along with interest at the rate of 9% per annum for transfer of the plot in question in favour of the petitioners. The entire exercise was to be completed within a period of three months.

The aforesaid petitions were filed in the year 2001 and were allowed on 22.03.2017.

Notice of motion, in the instant appeal i.e. LPA NO.664 of 2018, was issued on 07.08.2018 by observing that the writ petition (CWP No.7831 of 2001) had been allowed keeping in view the price, which was determined by the High Powered Committee in the year 2000. Till date, i.e.

filing of the present appeal, there has been manifold increase in the price of the land and thus, transferring public land at a price determined 18 years back would cause huge financial loss to public exchequer. In this background, notice of motion was issued and the effect and operation of the impugned judgment passed by learned Single Judge dated 22.03.2017 was kept in abeyance.

After issuance of notice of motion, learned counsel for respondent (M/s Souvenior Ceramics) had put in appearance and made an offer on 07.03.2019 to make payment for transfer of land as per the Collector rate prevailing in the year 2019. Upon this offer, Mr. Sharad Aggarwal, AAG, Haryana (who appeared on that date) had sought two weeks' time to get instructions.

Thereafter, this appeal was adjourned to 28.03.2019, 21.05.2019, 10.09.2019 and 20.02.2020. On that date i.e. 20.02.2020, again a request was made by learned counsel for the appellants (State) to seek instructions in this regard. It was clarified in the order dated 20.02.2020 that the offer was made by the respondent for making payment as per the Collector rates prevailing in the year 2019. Thereafter, a misc. application i.e. CM-395-LPA-2021 for preponement was filed, wherein notice was issued on 23.02.2021. On that date, learned State counsel had sought further time to get instructions, as to whether the Government had granted approval to the offer made by learned counsel for the respondent, as observed by this Court in the order dated 20.02.2020. In response to the said application, reply dated 04.03.2021 on behalf of the appellant (State) has been filed by the Special Secretary to Government of Haryana, Revenue & Disaster Management Department (Rehabilitation Branch). Along with

this reply, appellant has placed on record copy of letter dated 16.03.2020 (Annexure P-1), whereby the Government had taken a decision to charge price of the land in dispute as per the Collector rates prevailing today. Relevant extract of the letter is being reproduced as under:-

“.....In the above mentioned case/cases, it has been decided by the Government that it is justified to charge price of the land in dispute as per the Collector rates prevailing today. It is, therefore, requested that the Hon'ble Court may be apprised accordingly.”

Mr. Hitesh Pandit, Addl. A.G., Haryana, states that the offer of the respondent has been accepted and the Collector rates as prevalent on 16.03.2020 will be charged from the petitioners (respondent herein) for allotting the land.

A perusal of the order dated 07.03.2019 shows that on that date, learned State counsel had sought time to get instructions, 'whether the Collector rates prevailing in the year 2019 can be accepted by the State for transferring the land in favour of the respondent?' There was a specific mention in the order dated 20.02.2020 that the time was sought only to seek instructions with regard to the Collector rates prevailing in the year 2019. Hence, for all intents and purposes, decision taken by the Government vide letter dated 16.03.2020 (Annexure P-1) has to be accepted by assuming that the Collector rates of the year 2019 are to be charged from the respondent. Moreover, when notice of motion was issued by this Court on 07.08.2018, it had been observed that the price assessed by the High Powered Committee in the year 2000 could not be made basis for transferring the land as there has been manifold increase in the price of the land during the last 18 years. Hence, grievance of the appellant(s) has now been redressed after the State had accepted the offer of the respondent(s) vide letter dated 16.03.2020

Collector rates prevailing on that date. For all intents and purposes, Collector rate of the year 2019 was the offer made by the respondent, which has now been accepted vide letter dated 16.03.2020 (Annexure P-1).

In view of the above discussion, the impugned judgment dated 22.03.2017 is being modified to the effect that instead of the rates assessed by the High Powered Committee as per letter dated 18.09.1998 (Annexure P-15 in the writ petition) at the rate of Rs.3200/- square yard, the appellant-State can charge the Collector rates of the year 2019 in order to recover cost of the land/plot in question. Accordingly, the appellant-State is directed to complete the necessary formalities with regard to transfer of the land/plot in question in favour of respondent(s)-M/s Souvenior Ceramics and M/s Suraj Lamp & Industries Pvt. Ltd. after assessing value of the land at Collector rates prevailing in the year 2019 along with interest at the rate of 9% per annum, as observed by the learned Single Judge of this Court vide impugned judgment(s). The entire exercise be completed within three months from the date of receipt of certified copy of this order.

Both the appeals i.e. LPA No.664 of 2018 and LPA No.953 of 2018 stand disposed of in the above terms.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

01.04.2021
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No