

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 645 of 2020 (O&M)

Date of Decision: 21.12.2022

M/s India Nippon Electricals Limited

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Varun Sharma, Advocate
for the petitioner(s).

Mr. Harsh Vardhan Shehrawat, Assistant Advocate General,
Haryana and Mr. Jaspal Singh Pannu, Assistant Advocate
General, Haryana, for the respondents.

Anil Kshetarpal, J.

1. The petitioner's application for permission to correct the inadvertent mistake in the application filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act") has been dismissed by the Reference Court on the ground that the case is at the stage of petitioner's evidence and if the application is allowed, it would result in *de novo* trial. The only mistake sought to be corrected is with reference to the award number and its date in the application under Section 18 of the 1894 Act.

2. In fact, initially, the Land Acquisition Collector (hereinafter referred to as "the LAC") has announced the award No. 4 dated 14.06.2010, which was quashed/set aside by the High Court. The subsequent award No.

petitioner has filed an application pursuant to the award No. 47 dated 12.12.2011. However, inadvertently, due to the cut, copy and paste method used while drafting the application the award No.4 dated 14.06.2010 was referred to in the application

3. This is only a clerical omission/error which does not affect the substantial rights of the parties. While filing the application under Section 18 of the 1894 Act, the landowner is required to show that he does not accept the amount offered by the LAC. In such circumstances, the right course is to just make a request to the LAC to refer the matter to the Reference Court for the re-assessment of the market value of the acquired land.

4. Keeping in view the aforesaid discussion, the conclusion drawn by the Reference Court is myopic. Such amendments concerning correction of clerical errors can be permitted even after the judgement has been passed by the Reference Court in view of the enabling powers under Section 151, 152, 153 and 153A of the Code of Civil Procedure, 1908. Hence, the impugned order is set aside. The application filed by the petitioner for permission to amend the reference petition shall stand allowed. The Reference Court is requested to proceed with the matter.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

December 21, 2022
“DK”

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