

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RFA-4199-2019(O&M)
Date of decision: 24.08.2022

STATE OF HARYANA AND OTHERS

..Appellants

Versus

ROSHAN LAL AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Nonish Kumar, Advocate
for the landowners.

ANIL KSHETARPAL, J(Oral)

By this order a batch of 21 appeals shall stand disposed of
(details whereof are in the foot of the order).

CM-10701-CI-2019 in RFA-4199-2019

For the reasons stated in the application for condonation of
delay which is supported by an affidavit, the application is allowed subject
to all the just exceptions.

The delay of 48 days in filing the appeal is condoned.

CM stands disposed of.

Main

The prayer is to modify the award passed by the Reference
Court (hereinafter referred to as 'the RC') on 12.07.2019, while deciding
application under Section 64 of the Right to Fair Compensation and
Transparency in Land Acquisition, Rehabilitation and Resettlement Act,
2013 (hereinafter referred to as "the 2013 Act").

This Bench has heard the learned counsel representing the
parties.

The notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as ('the 1894 Act') was issued on 23.12.2013, whereas, the award was passed on 08.06.2015. Thus, these cases are relating to the transition between the 1894 Act and the 2013 Act. As per Section 24(1), the compensation is required to be assessed as per the 2013 Act. Section 26 of the 2013 Act makes a significant departure from the procedure and the manner in which the market value of the land is required to be assessed. Under Section 26, the Court is required to examine the best price from three different options available. This Court in **Regular First Appeal No.309 of 2021, titled as "State of Haryana and another Vs. Rajbir and another", decided on 19.04.2022**, examined the matter in detail while directing the RC to decide afresh.

In the present case, the RC has failed to notice that the compensation is required to be assessed as per Section 26 of the 2013 Act. For the detailed reasons recorded in the aforesaid case, the award passed by the RC is set aside. The matter is remitted back to the RC to decide afresh after permitting the parties to lead further evidence, if prayed for.

The parties through their counsel are directed to appear before the RC on 26.09.2022.

All the pending miscellaneous applications, if any, are also disposed of.

August 24th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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

Sr. No.	Case No.	Party name
1.	RFA-4199-2019	State of Haryana and ors. vs. Roshan Lal and ors.

2.	RFA-3639-2019	Rajni vs. State of Haryana and ors.
3.	RFA-3643-2019	Bhateri Devi vs. State of Haryana and ors.
4.	RFA-3642-2019	Roshan Lal and ors. vs. State of Haryana and ors.
5.	RFA-3641-2019	Ram Mehar and ors. vs. State of Haryana and ors.
6.	RFA-3640-2019	Mani Ram vs. State of Haryana and ors.
7.	RFA-4214-2019	State of Haryana and ors. vs. Mani Ram
8.	RFA-4213-2019	State of Haryana and ors. vs. Anup and ors.
9.	RFA-4212-2019	State of Haryana and ors. vs. Jai Pal and ors.
10.	RFA-4211-2019	State of Haryana and ors. vs. Smt. Rajni
11.	RFA-4210-2019	State of Haryana and ors. vs. Smt. Bhateri Devi
12.	RFA-4209-2019	State of Haryana and ors. vs. Mani Ram
13.	RFA-4208-2019	State of Haryana and ors. vs. Lilu and ors.
14.	RFA-4207-2019	State of Haryana and ors. vs. Rameshwer
15.	RFA-4206-2019	State of Haryana and ors. vs. Anup Singh
16.	RFA-4205-2019	State of Haryana and ors. vs. Parveen Kumar and anr.
17.	RFA-4204-2019	State of Haryana and ors. vs. Ram Rati and ors.
18.	RFA-4203-2019	State of Haryana and ors. vs. Sudhir and ors.
19.	RFA-4202-2019	State of Haryana and ors. vs. Parveen
20.	RFA-4201-2019	State of Haryana and ors. vs. Sadhu Ram
21.	RFA-4200-2019	State of Haryana and ors. vs. Ram Mehar and ors.

(ANIL KSHETARPAL)
JUDGE