

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

(267)

**RFA-90-2021 (O&M)
Date of Decision: 25.07.2023**

Rishi Gupta (deceased) though LRs.

...Appellants

Versus

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sushil K. Sharma, Advocate, for the appellants

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)**CM-418-19-CI-2021**

1. These applications have been filed for condoning the delay of 1196 days and 1056 days in re-filing and filing the appeal respectively.
2. Notice of the applications was issued to the respondents who have chosen not to file any reply.
3. I have heard learned counsel for the parties and gone through the paper book.
4. Concededly, the other similarly situated land owners pertaining to the same acquisition proceedings have already been held entitled for enhanced amount of compensation pertaining to villages i.e. Bhagwanpur, Islam Nagar, Naggal Sodhian, Bhogpur and Meerpur Bakshiwala Tehsil Kalka, District Panchkula, @ Rs.1885/- per square yard (Rs. 91,23,400/- per acre) along with all statutory benefits, in view of the judgment dated 31.01.2020 passed in **RFA No.1253 of 2014 and other connected matters titled Ranbir Singh and others Vs. State of Haryana and others.**

5. Based thereupon, applying the principle of parity, the land owners/applicants being similarly situated, are entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision of the Reference Court. In this regard reliance can be placed upon the decision of Hon'ble Supreme Court in case of **"Ningappa Thotappa Angadi (Dead) through LR's Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599"**. Moreover, in view of the averments made in the applications, the same are allowed and delay of 1196 days and 1056 days in re-filing and filing the appeal is hereby condoned.

CM-420-CI-2021

This is an application for impleading the LR's of Rishi Gupta (deceased) son of Shri Ram Dass, i.e. claimant/appellant.

Notice of the application.

Mr. Shivendra Swaroop, DAG, Haryana, accepts notice on behalf of respondents.

For the reasons mentioned in the application which is duly supported by an affidavit, the same is allowed and persons mentioned in para No.2 of the application are ordered to be impleaded as legal representatives of the deceased-appellant-Rishi Gupta for the purpose of pursuing the present appeal.

Amended memo of the parties filed alongwith application is taken on record, subject to all just exceptions. Let it be tagged at appropriate place.

Main Appeal

1. In the present case, land owned by the appellants situated in Tehsil Kalka, District Panchkula, was sought to be acquired vide Notification

(hereinafter referred to as “the Act”), for the purpose for development and utilization of land as residential area of Sectors 2, part 3, 4 and 5 Pinjore. Section 6 notification was issued on 25.09.2008, followed by an award in exercise of powers under Sections 11 of 1894 Act.

2. Aggrieved thereof, the appellants preferred reference under Section 18 of the Act, which came to be dismissed vide order dated 08.08.2013 by the Court of learned Additional District Judge, Panchkula.

3. Impugning the same, the appellants have preferred the present appeal.

4. Learned counsel for the parties are *ad idem* that the matter pertaining to the same acquisition/notification covering the same revenue estate i.e. Bhagwanpur, Islam Nagar, Naggal Sodhian, Bhogpur and Meerpur Bakshiwala Tehsil Kalka, District Panchkula, filed at the instance of few other land-owners came up before this Court which was disposed of vide judgment dated 31.01.2020 in **RFA No.1253 of 2014 titled Ranbir Singh and others Vs. State of Haryana and others**, whereby they have been held entitled for the enhanced amount of compensation pertaining to the aforesaid villages @ Rs.1885/- per square yard (Rs. 91,23,400/- per acre) along with all statutory benefits, as on 26.09.2007, i.e. the date of notification under Section 4 of the Act. The relevant para 52 of the said judgment is reproduced as under:

“52. Accordingly, keeping in view the above discussion, the present appeals are allowed and the landowners are held entitled for the compensation @ 1885 Per square Yard (Rs. 91,23,400/- per acre) alongwith all statutory benefits, as on 26.09.2007. All the pending miscellaneous applications also stand disposed of.”

Based upon the above, applying the principle of parity, the land owners/applicants being similarly situated are held entitled for grant of similar

amount of compensation as has been awarded by this Court in the aforesaid

case besides all other statutory benefit and interest thereupon as provided under the Act except the interest for the period the appellants did not approach this Court after passing of award by Reference Court.

5. In view of the aforesaid discussion, the controversy in the present case being squarely covered with the **Ranbir Singh’s case (supra)**, therefore, the present appeal is hereby disposed of in the same terms as based on the agreed stand taken by both sides.

(HARKESH MANUJA)
JUDGE

25.07.2023
anil

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

3. As per averments made in the application, the applicants/appellants had filed the present appeal before this Court on 27.09.2016 but the Registry had raised certain objections and returned the file on 26.10.2016. Thereafter, after receipt of paper book from the Registry, the same was misplaced in the office of counsel for the appellant as where renovation work was going on. When the paper book was traced out and appeal was filed before this Court after removing the objections raised by the Registry due to which delay of 1196 has been occurred in refilling of appeal which is unintentional and beyond the control of the applicants/appellants. Hence, a prayer has been made for condoning the delay in re-filing the present appeal.