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

**RFA No. 2408 of 2021 (O&M)
Date of Decision: 28.08.2023**

M/s. Pace Build Con Pvt. Ltd., Pitampura,
New Delhi

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amandeep Singh, Advocate for
Mr. Chanderhas Yadav, Advocate
for the appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-5608-CI-2021

Application is **allowed**, as prayed for, subject to all just exceptions. Exemption from filing certified copy of Award dated 31.01.2013 passed by the learned Additional District Judge, Sonapat as well as document appended as Annexure A-1, is granted.

CM-5607-CI-2021

Prayer in the present application moved on behalf of the applicant-appellant is for condonation of delay of 2510 days in filing the appeal.

Upon notice, no reply has been filed, however, learned State Counsel vehemently opposes the prayer made in the application.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by an affidavit of Sh. Yogesh, who is authorized representative of the appellant-Company.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to the acquired land falling in same revenue estate, i.e. **Village Revli, Tehsil & District Sonipat**, to the tune of Rs. 60,92,400/- per acre, in view of judgment dated 22.11.2017 passed by Hon'ble Supreme Court in **Civil Appeal No(s). 19693-19708 of 2017**, titled "**Samunder & Ors. Versus The State of Haryana & Ors.**".

Based thereupon, applying the principle of parity, besides awarding just and fair compensation and relying upon the decision of Hon'ble Supreme Court in case of "**Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another**", 2020 (19) SCC 599 as well as in view of the contents of application, the application is **allowed** and delay in filing the appeal, as mentioned above, is hereby condoned.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act"), to modify the award dated 31.01.2013 passed by learned Additional District Judge,

Sonipat (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] In pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 15.06.2006, followed by Notification dated 14.06.2007 under Section 6 thereof, the land measuring 108.44 acres, including the land of appellant, situated in the revenue estate of Village **Revli**, Tehsil & District Sonipat, was acquired. The public purpose for acquisition of the land was stated to be Development of residential and commercial Sector 9 & 18, Sonipat. The Land Acquisition Collector, Sonipat (for short “LAC”), vide Award No. 17, dated 12.06.2009, assessed the market value of acquired land @ Rs. 45,00,000/- per acre alongwith other statutory benefits.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which was decided vide award dated 31.01.2013 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 52,25,000/- per square yard, besides granting statutory benefits.

[4] It is pertinent to mention here that the various appeals pertaining to the enhancement of compensation for the acquired land in question, were dismissed by this Court on 20.11.2015, lead case of which was ***RFA No. 3120 of 2013***, titled ***“Ishwar Versus State of Haryana and others”***.

[5] Against the judgment dated 20.11.2015 (supra), parties approached Hon’ble Supreme Court in a batch of appeals, lead case of which was ***Civil Appeal No(s). 19693-19708 of 2017***, titled

“Samunder & Ors. Versus The State of Haryana & Ors.”, which were disposed off on 22.11.2017.

[6] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment of **Samunder’s case (supra)**, arising out of the same notification vide which the land of appellant was acquired.

[7] Learned State Counsel is not in a position to controvert the factual aspect that the main appeal is covered in terms of judgment of **Samunder’s case (supra)**; however, opposes payment of interest for the period, the appellant failed to approach this Court after the decision of Reference Court.

[8] I have heard learned counsel for the parties and gone through the paper-book.

[9] From the records, it is apparent that the present appeal is squarely covered with the judgment of **Samunder’s case (supra)**, which is arising out of the same acquisition / Notification dated 15.06.2006 covering the same revenue estate i.e. **Village Revli, Tehsil & District Sonipat**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 60,92,400/- per acre. For reference, the relevant para of judgment dated 22.11.2017 passed in case of **Samunder & Ors. (supra)** reads as under:-

“
After hearing learned counsel for the parties, in our opinion when there were three sale deeds in close proximity of time for substantial areas of respectively 5,6 & 10 acres, it would be appropriate to work out the average price of the land

*so as to arrive at the just figure of compensation. Thus taking into consideration the figure of Rs.1,04,68,920/- per acre, Rs.1,04,46,796/- per acre and Rs.65,00,000/- per acre for arriving at the average of the sale the amount comes to Rs.91,38,572/- per acre. **After deducting 1/3 amount towards development the amount comes to Rs.60,92,382/- per acre rounded off to Rs.60,92,400/- per acre that we award with statutory benefits.** The enhanced compensation be paid as expeditiously as possible preferably within six months.*

The appeals are accordingly disposed of. ”

[9.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowner / appellant being similarly situated is held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 22.11.2017 in case of **Samunder & Ors. (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[10] **Disposed off** in the above terms.

Pending application(s), if any, shall stand(s) disposed off.

August 28, 2023

'dk kamra'

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No