

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115) CM Nos.2902-03-CI of 2023 in/and
RA-RF No.236 of 2023 in
RFA No.4410 of 2012
Date of Decision: 13.07.2023

MukeshAppellant

Versus

State of Haryana and othersRespondents

CM Nos.2904-05-CI of 2023 in/and
RA-RF No.237 of 2023 in
RFA No.4405 of 2012

Savita KumariAppellant

Versus

State of Haryana and othersRespondents

CM Nos.2900-01-CI of 2023 in/and
RA-RF No.235 of 2023 in
RFA No.4408 of 2012

Vijay KumarAppellant

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gaurav Aggarwal, Advocate, for the applicant/appellant.

Mr. Shivendra Swaroop, DAG, Haryana.

Mr. Pritam Singh Saini, Advocate, for respondent No.3-HSIDC.

HARKESH MANUJA, J.(ORAL)

Delay Applications

1. By way of these applications, prayer has been made for
condoning the delay of 2103 days in filing the present review applications.

Notice of the applications.

3. Mr. Shivendra Swaroop, DAG, Haryana and Mr. Pritam Singh Saini, accept notice on behalf of respondent Nos.1 and 2 as well as respondent No.3 respectively in all the applications.

4. I have heard learned counsel for the parties and gone through the contents of the applications.

5. Considering the fact that the review applications have primarily been filed relying upon a decision dated 31.03.2015 passed by the Hon'ble Supreme Court in Civil Appeal No.3412 of 2015 seeking enhancement of compensation as awarded by the Hon'ble Supreme Court, regarding the land relating to the same acquisition proceedings on the basis of parity and just compensation, relying upon the decision of the Hon'ble Supreme Court in case of **Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599**, the delay of 2103 days in filing the present review applications is hereby condoned, however, applicants will not be entitled for the Award of interest for the period of delay in filing the present review applications.

Exemption Applications

1. By way of these applications, prayer has been made for exemptions to file true typed/photocopies/certified copies of Annexure A-1 to A-3.

2. Applications are allowed as prayed for.

Main Review Applications

1. This order of mine shall dispose of above mentioned 3 Review Applications in three different Regular First Appeals wherein a similar prayer has been made for reviewing the order dated 23.09.2014 (Annexure A-1) of this Court as per leave and liberty granted by Hon'ble Supreme Court vide

a uniform order of Hon'ble Supreme Court passed on 31.03.2015 (Annexure A-2) of reducing the cut from 40% to 30% of the amount of compensation for the lands owned by land owners of village Harsaru acquired by the Government of Haryana can be made applicable and similar compensation can be awarded to the applicants.

2. Briefly stating, certain land owned by the applicants situated in Village Harsaru, Tehsil and District Gurugram, came to be acquired vide notifications dated 29.01.2003 and 28.01.2004 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") followed by an Award dated 27.01.2006, wherein, market value was assessed @12.5 Lakhs as regards the land situated in village, Harsaru. The purpose of acquisition was for setting up Industrial Complex Phase-I (SEZ).

3. Aggrieved against the Award, the applicants filed reference under Section 18 of the Act wherein Award was passed on 17.05.2012, enhancing the market value of land to Rs.31,50,000/- per acre. The aforementioned Award passed by the Reference Court was challenged before this Court in main RFA which came to be decided by this Court on 23.09.2014, whereby the market value of land was enhanced to Rs.40,80,000/- per acre.

4. Though the applicants did not impugne the aforementioned judgment dated 23.09.2014 passed in the main appeal herein, however, certain other land owners relating to the same acquisition proceedings approached the Hon'ble Supreme Court wherein the matter was decided vide judgment dated 31.03.2015 in Civil Appeal No.3412 of 2015 in case of **Sachin and others Vs. State of Haryana and others**, and the market value of the land was enhanced to Rs.47,60,000/- per acre in terms of following observations:

"As far as the other two villages are concerned namely Harsaru

and Garauli Khurd, looking into the facts and circumstances of the case, we are of the opinion that the cut of 40% imposed by the High Court is slightly on the higher side and therefore we reduce it to 30%. It is ordered accordingly.”

5. Subsequently, few other land owners regarding the same acquisition proceedings approached the Hon’ble Supreme Court against the order passed by this Court in their respective RFAs and the matter was disposed of by Hon’ble Supreme Court vide decision dated 14.08.2015 passed in **SLP.(C)....(CC) No.14241 of 2015 titled Dhiraj Gupta Vs. State of Haryana and others**, wherein, the following order was passed:

*“UPON hearing the counsel the Court made the following
O R D E R*

Learned counsel for the petitioner seeks leave to withdraw the petitions with liberty to approach the High Court for obtaining same orders as passed by this Court in Sachin & Ors. Vs. State of Haryana and others [Civil Appeal No.3412 of 2015] decided on 31st March, 2015.

Leave and liberty granted.

The special leave petitions are dismissed as withdrawn.”

6. Although the applicants never approached Hon’ble Apex Court against order dated 23.09.2014 passed in main appeal i.e. RFA No.4410 of 2012 however have filed present review applications seeking further enhancement on the basis of order dated 31.03.2015 passed in Civil Appeal No.3412 of 2015.

7. I have heard learned counsel for the parties and gone through the paper book and records.

8. Applying the principles of parity, besides right to fair and just compensation as held in the case of **Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19)**

SCC 599, the matter being covered as regards, the assessment of market value being passed by Hon’ble Supreme Court in case of Sachin and others (supra), the present review applications are ordered to be disposed of in the same terms thereby assessing the market value of the land to Rs.47,60,000/- per acre by applying the cut of 30% instead of 40% as ordered, besides granting all other statutory benefits as well as interest thereupon as provided under the Act, however, applicants will not be entitled for the Award of interest for the period of delay in filing the present review applications.

9. Pending applications, if any, shall remain disposed of.

(HARKESH MANUJA)
JUDGE

13.07.2023
anil

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