

291 (6 cases)

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

**(1) RFA No. 2331 of 2021 (O&M)
Date of decision: 17.07.2023**

M/s. Forsythia Propbuild Pvt. Ltd., New Delhi
...Appellant

Versus

State of Haryana and others
...Respondents

(2) RFA No. 2336 of 2021 (O&M)

M/s. Gaucho Propbuild Pvt. Ltd., New Delhi
...Appellant

Versus

State of Haryana and others
...Respondents

(3) RFA No. 2351 of 2021 (O&M)

M/s. Gauge Propbuild Pvt. Ltd., New Delhi
...Appellant

Versus

State of Haryana and others
...Respondents

(4) RFA No. 2388 of 2021 (O&M)

M/s. Casing Properties Pvt. Ltd., New Delhi and others
...Appellants

Versus

State of Haryana and others
...Respondents

(5) RFA No. 2389 of 2021 (O&M)

M/s. Garland Estate Pvt. Ltd., New Delhi
...Appellant

Versus

State of Haryana and others
...Respondents

(6) **RFA No. 130 of 2022 (O&M)**

M/s. Casing Properties Pvt. Ltd., New Delhi and another
...Appellants

Versus

State of Haryana and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sanjay Vij, Advocate
for the appellants (in all cases)

Mr. Abhinash Jain, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-5531-CI-2021 in RFA No. 2331 of 2021;
CM-5535-CI-2021 in RFA No. 2336 of 2021;
CM-5552-CI-2021 in RFA No. 2351 of 2021;
CM-5589-CI-2021 in RFA No. 2388 of 2021;
CM-5590-CI-2021 in RFA No. 2389 of 2021;
CM-251-CI-2022 in RFA No. 130 of 2022;

Prayer in the present applications under Section 5 of Limitation Act, are for condonation of delay of 2143 days in filing the respective appeal(s).

Notice of the applications stand issued vide order dated 10.01.2023, but no reply has been filed.

I have heard learned counsel for the parties and gone through the pleadings.

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 **Village Nangli Umarpur, Tehsil & District**

Gurgaon, to the tune of Rs. 2,71,00,000/- per acre vide

judgment dated 11.12.2019 passed by this Court in **RFA No. 3546 of 2016**, titled **“Meena Aggarwal Versus State of Haryana & another”**.

Based thereupon, applying the principle of parity, the landowners / 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 LRs Versus Special Land Acquisition Officer and Another”**, **2020 (19) SCC 599**.

In view of the discussion made hereinabove as well as contents of the applications, the same are **allowed** and delay of 2143 days in filing the respective appeal(s) are hereby condoned.

MAIN APPEAL(S)

[1] This order shall dispose off the present six appeals bearing RFA Nos. 2331, 2336, 2351, 2388 & 2389 of 2021 & RFA No. 130 of 2022, preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) to modify the impugned award dated 23.01.2014 passed by learned Additional District Judge, Gurgaon (hereinafter to be referred as “Reference Court”) for enhancement of the compensation. For the sake of convenience, facts are being culled out from **RFA No. 2331 of**

2021, titled ***“M/s. Forsythia Propbuild Pvt. Ltd., New Delhi
Versus State of Haryana and others”***.

[2] The appellant is a private builder-cum-developer and running the business of colonization. Paper book reveals that State of Haryana issued a Notification dated 24.06.2008 under Section 4 of the Act, for acquisition of land measuring 22.48 acres, including land of appellants, situated in Village Nangli Umarpur, Tehsil & District Gurgaon, which was followed by a declaration dated 14.07.2008 under Section 6 thereof. The public purpose for acquisition of land was stated to be development and utilization of land for sector roads for Sectors 58 to 67 at Gurgaon.

[3] The Land Acquisition Collector, Gurgaon (for short “LAC”), vide Award No. 41 dated 12.08.2009, while deciding 21 references, the lead case of which was LAC No. 753 of 2010, titled ***“Smt. Meena Aggarwal Versus State of Haryana and another”***, assessed the market value of acquired land @ Rs. 70 lakh per acre for all types of lands.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Reference Court for determination of the market value of the acquired land.

[5] Learned Reference Court, while passing the impugned award dated 23.01.2014, partly accepted the twenty-one (21) reference petitions, including that of the present appellants and enhanced compensation @ Rs. 4,424/ per

square yard (i.e. Rs. 2,14,12,160/- per acre) alongwith other statutory benefits. The operative paras-44 & 45 of impugned award are re-produced as under:-

“44. For the reasons recorded on the forgoing issues, this Reference petition along with all the consolidated References are partly allowed with costs. The petitioners are held entitled to receive enhanced compensation at the rate of ₹ 4424/- per sq. yard for all kinds of lands, which have been acquired, as mentioned in statement No. 19 filed by the LAC along with the reference petitions. However, it is pertinent to note that petitioners who were not recorded as owners of the land in statement no. 19 filed by the Land Acquisition Collector shall not be entitled to enhanced compensation.

45. Besides the above, the petitioner shall also get solatium at the rate of 30% as envisaged under sub-section(2) of section 23 of the Act and as per provisions of Section 23(1-A) of the Act, the petitioner shall also be entitled to an amount calculated at the rate of 12% per annum on the above mentioned assessed market value, for the period commencing on and from the date of publication of notification under Section 4 sub-Section (i) till the award of the Collector or the date of taking possession of the acquired land, whichever is earlier. The petitioner shall also be entitled to interest on the enhanced compensation at the rate of 9% per annum from the date of taking possession for a period of one year and at the rate of 15% per annum after the date of expiry of the said period of one till the payment is made as provided under Section 28 of the Act. The petitioner shall also be entitled to interest on the

additional amount and solatium provided under Sub-sections (1-A) and (2) of Section 23 of the Act in accordance with law. Counsel fee for Govt. pleader is assessed at Rs. 1100/- in each petition.”

[6] A perusal of paragraph extracted hereinabove shows that the Reference Court enhanced the market value of acquired land from Rs. 70 lakh per acre to Rs. 2,14,12,160/- per acre (Rs. 4,424/ per sq. yard) besides statutory benefits. Aggrieved thereof, the appellants have preferred the present appeal.

[7] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 11.12.2019 passed in RFA No. 3546 of 2016, titled “***Meena Aggarwal Versus State of Haryana and another***”, arising out of the same notification, vide which the land of appellants had been acquired.

[8] Learned State Counsel does not controvert the above factual position, though submits that an SLP (Civil) No. 6323 of 2020 (titled “***Balister Versus The State of Haryana & Ors.***”), arising out of judgment dated 22.11.2019 in RFA No. 2374 of 2013 *qua* the same acquisition/notification of land, is pending before the Hon’ble Supreme Court.

[9] Heard learned counsel for the parties and perused the paper-book.

[10] Learned counsel for the parties are *ad idem* that a batch of RFAs, arising out of the same acquisition / Notification dated 24.06.2008 covering the same revenue estate i.e. **Village**

Nangli Umarpur, has already been decided by the Coordinate Bench vide judgment dated 11.12.2019, the lead case of which was RFA No. 3456 of 2016, titled ***“Meena Aggarwal Versus State of Haryana & another”***, whereby they have already been held entitled for the enhanced amount of Rs. 2,71,00,000/- per acre alongwith other statutory benefits, though an SLP No. 6323 of 2020 (*supra*) qua the same notification is pending before the Hon’ble Supreme Court. For reference, the relevant para of judgment dated 11.12.2019 (*supra*) reads as under:-

“ xxxx

Resultantly, as both the villages Tigra and Medawas straddle the revenue estate of Nangli Umarpur, on the Northern and Southern sides, the average of the same, Rs.3.20 crores and Rs.2.22 crores, are taken to fix the market value @ Rs. 2,71,00,000/- per acre along with all statutory benefits. ”

[10.1] Based upon the above, applying the principle of parity, the landowners / applicants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded vide judgment dated 11.12.2019 (*supra*), besides all other statutory benefit and interest thereupon as provided under the Act, except interest for the period the appellants did not approach this Court after passing of Reference Court’s Award.

[11] In view of the aforesaid discussion, since the controversy being squarely covered with the judgment dated

11.12.2019 passed in **Meena Aggarwal's case (supra)**, present appeals are **disposed off** in the same terms, based on the agreed stand taken by both sides.

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

July 17, 2023

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**(HARKESH MANUJA)
JUDGE**

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