

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120+292)	RFA-3300-2016 (O&M) Date of Decision : 27.03.2023	
M/S I.S.G ESTATE PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents
(292/2)	RFA-3301-2016	
M/S COUNTRYWIDE PROMOTERS PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents
(292/3)	RFA-3302-2016	
M/S SHALIMAR TOWN PLANNERS PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents
(292/4)	RFA-3303-2016	
M/S BUSINESS PARK BUILDERS PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents

RFA-3300-2016 (O&M) and other connected cases		2023:PHHC:045498
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(292/5)	RFA-3304-2016	
M/S COUNTRYWIDE PROMOTERS PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents
(292/6)	RFA-3305-2016	
M/S SHALIMAR TOWN PLANNERS PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents
(292/7)	RFA-3306-2016	
M/S ANUPAM TOWERS PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents
(292/8)	RFA-3307-2016	
M/S WESTLAND DEVELOPERS PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents
(292/9)	RFA-3308-2016	
M/S DRUZBA OVERSEAS PVT LTD		...Appellant
Versus		
STATE OF HARYANA & ORS		...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Adarsh Jain, Advocate for the appellant(s).

Ms. Vibha Tewari, Assistant Advocate General, Haryana
for the respondents.

Harsimran Singh Sethi J. (Oral)

CM-557-CI-2022 in RFA-3300-2016

Present application has been filed to place on record judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 2903 of 2021 titled as ***Banwari Lal Vs. State of Haryana***, decided on 14.07.2021, which according to the appellant(s), cover their case in their favour.

Notice of the application to the counsel for the respondents.

Ms. Vibha Tewari, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present application.

Keeping in view the above, the application, which is duly supported by an affidavit, is allowed and the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 2903 of 2021 titled as ***Banwari Lal Vs. State of Haryana***, decided on 14.07.2021 is taken on record with all just exceptions.

RFA-3300-2016 and other connected cases

Learned counsel for the appellant(s) submits that in RFA No. 7108 of 2012 and other connected appeals, decided on 14.07.2021 titled as

Rampal and others (II) Vs. Land Acquisition Collector and another, this

Court had modified the Award vide judgment dated 31.05.2019. Learned counsel for the appellant(s) submits that though the claim of the appellant(s) herein is akin to ***Rampal and others (II)'s case (supra)***. Learned counsel for the appellant(s) further submits that the judgment in ***Rampal and others (II)'s case (supra)*** by the Co-ordinate Bench of this Court was assailed before the Hon'ble Supreme Court of India in Civil Appeal No. 2903 of 2021 titled as ***Banwari Lal and another Vs. State of Haryana and others***, which was decided by the Hon'ble Supreme Court of India on 14.07.2021 hence, the appellants are squarely covered by the judgment of the Hon'ble Supreme Court of India in ***Banwari Lal and another's case (supra)*** and the present appeals may also be disposed of in the same terms and conditions.

Learned counsel for the respondents submits that in the present case, the appeals filed by the appellant(s) were not pending where the judgment in ***Rampal and others (II)'s case (supra)*** was decided by the Co-ordinate Bench of this Court but rather, Regular First Appeal filed by the appellant(s) was dismissed keeping in view the order passed by the Co-ordinate Bench dated 16.09.2015 passed in RFA No. 7108 of 2012 titled as ***Rampal and others (I) Vs. State of Haryana and others***. Learned State counsel submits that though, the decision in ***Rampal and others (I)'s case (supra)***, was challenged by certain aggrieved parties before the Hon'ble Supreme Court of India as raised in Civil Appeal No. 21014-21016 of 2017 titled as ***Premwati and others Vs. State of Haryana and another***, decided on 06.12.2017 and the judgment of this Court in ***Rampal and others (I)'s case (supra)*** was set-aside and appeals were remanded back to this Court

for fresh decision, which resulted in decision by the Co-ordinate Bench in ***Rampal and others (II)'s case (supra)***, decided on 31.05.2019, which judgment has now been modified in ***Banwari Lal and another's case (supra)*** but the appellant(s) in the present Regular First Appeal never challenged the judgment in ***Rampal and others (I)'s case (supra)***, dated 16.09.2015 before the Hon'ble Supreme Court of India, hence, the appellate order dated 16.09.2015 became final hence, they are not entitled for the benefit of the judgment either in ***Rampal and others (II) case (supra)*** or in ***Banwari Lal and another's case (supra)***.

Learned counsel for the appellant(s) controvert the said statement of the learned State counsel and submits that after the judgment in ***Premwati and others case (supra)***, when the Regular First Appeals was remanded back to this Court by the Hon'ble Supreme Court of India, an application was filed for recalling the order dated 12.12.2016 passed in their appeals, which application was allowed by the Co-ordinate Bench while passing the order dated 12.11.2021. The order dated 12.12.2016 was recalled and the RFAs were restored to its original number and status.

Learned counsel for the appellant(s) further submits that even a Review Petition filed for review of the order dated 12.11.2021 has been dismissed by the Co-ordinate Bench on 13.01.2023, hence, once the present appeals were restored to its original number and status, the appellant(s) in present appeals are similarly situated as the appellant(s) in ***Banwari Lal and another's case (supra)*** and are entitled for the same benefits as extended to the appellants in ***Banwari Lal and another's case (supra)*** and, the objections being raised by the State may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is a conceded position that the present appellant(s) are on similar footing as the appellant(s) before the Hon'ble Supreme Court of India in ***Banwari Lal and another's case (supra)***, they are also entitled for the same benefit. Once, the order dismissing the present RFA dated 12.12.2016 was recalled and the RFAs were restored to its original number and status by the Co-ordinate Bench vide order dated 12.11.2021, the objection being raised by the State that they are not entitled for the benefit of the judgment in ***Banwari Lal and another's case (supra)***, is liable to be rejected and is accordingly rejected.

As, no differentiating material or fact has been brought to the notice of this Court qua the appellant(s) herein and the appellants in ***Banwari Lal and another's case (supra)***, the benefits extended to the similarly situated appellants by the Hon'ble Supreme Court of India in ***Banwari Lal and another's case (supra)*** cannot be denied. The present appeals are also disposed of in the terms of the judgment of the Hon'ble Supreme Court of India in ***Banwari Lal and another's case (supra)***.

March 27, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No