IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 531 of 2016 (O&M)
alongwith connected cases*
Reserved On: 21.07.2023
Pronounced On: 12.10.2023

Haryana State Industrial Infrastructure Development Corporation, Panchkula

....Appellant

Versus

Gulzar Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pritam Singh Saini, Advocate and
Mr. Deepak Singh Saini, Advocate, for HSIIDC.

Mr. Ashwani Kumar Chopra, Sr. Advocate with
Mr. Vidul Kapoor, Advocate;
Mr. Vijay Kumar Jindal, Sr. Advocate with
Mr. Akshay Jindal & Mr. Pankaj Gautam, Advocates;
Mr. Avnish Mittal, Advocate with
Ms. Aparna Singhal, Advocate;
Mr. Kewal Krishan, Advocate for
Mr. V.B. Aggarwal, Advocate;
Mr. Satish Chaudhary, Advocate;
Mr. Ashish Yadav, Advocate;
Mr. Gurinder Pal Singh, Advocate;
Mr. R.S. Mamli, Advocate;
for the landowner(s)/claimant(s).

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana.

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HARKESH MANUJA J.

CM-2780-CI-2023 in RFA-531-2016

Prayer in the present application is for impleading the legal heirs of respondent No.1 i.e. Gulzar Singh s/o of Joginder Singh, who died on 29.06.2017.

For the reasons mentioned in the application, which is duly supported by an affidavit, same is allowed and persons mentioned in para 2 of the application are ordered to be impleaded as LRs of respondent No.1, for the purpose of pursuing the present appeal.

Amended memo of parties is taken on record.

Registry to do the needful.

CM-2779-CI-2023 in RFA-6432-2015

Prayer in the present application is for impleading the legal heirs of appellant No.1 i.e. Gulzar Singh s/o of Joginder Singh, who died on 29.06.2017.

For the reasons mentioned in the application, which is duly supported by an affidavit, same is allowed and persons mentioned in para 2 of the application are ordered to be impleaded as LRs of appellant No.1, for the purpose of pursuing the present appeal.

Amended memo of parties is taken on record.

Registry to do the needful.

MAIN CASE(S)

By this judgment, a batch of ***87** Regular First Appeals, (detail whereof is on the foot of the judgment), shall stand disposed of as common question of law is involved in all the cases. For the sake of convenience, the facts are being taken from RFA No. 531 of 2016.

[2] By way of present appeal, challenge has been made to an Award dated 20.04.2015 passed by the learned Additional District Judge, Yamuna Nagar (hereinafter to be referred as "Reference Court"), whereby, the market value of the acquired land in question has been assessed @ Rs. 30 lakhs per acre i.e. Rs. 619.83 per square yards as on the date of Notification dated 11.07.2007 under Section 4 of the Land Acquisition Act, 1894 (for short "the Act").

FACTS

[3] The relevant information concerning this bunch of appeals is compiled in a tabulated form, as under:-

Sr. No.	**Title**	**Details**
1.	Date of Notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act")	11.07.2007
2.	Date of Notification under Section 6 of the Act	10.07.2008
3.	Purpose of Acquisition	Setting up Industrial Estate, Phase-II, Manakpur, Tehsil Jagadhri, District Yamuna Nagar
4.	Land proposed to be acquired under Section 4 of the Act	305 acres, 4 Kanal 75 Marlas, situated in three villages, i.e. Manakpur, Udhamgarh and Garhi Banjaran
5.	Land sought to be acquired under Section 6 of the Act	259 acres, 6 Kanal 17 Marlas,
6.	Number and date of the Award passed by the Land Acquisition Collector, Yamuna Nagar (for short "LAC")	Award Nos. 1, 2 & 3, dated 10.07.2009
7.	Amount assessed by the LAC	The LAC assessed market value of the acquired land at the uniform rate of Rs. 8 lakh per acre alongwith other statutory benefits for all the three revenue estates.

8.	Date of judgment passed by learned Additional District Judge, Yamuna Nagar at Jagadhri (for short "Reference Court")	20.04.2015
9.	Amount determined by the Reference Court	Rs. 30 lakhs per acre besides other statutory benefits, uniformly for the three revenue estates.

[4] The Reference Court, on appreciation of the pleadings, culled out the following issues:-

1. What was the market value of the acquired land on the date of notification under Section 4 of the Land Acquisition Act? OPP
2. Whether the petitioners are entitled for damages, in addition to the compensation? OPP
3. Relief.

ORAL AND DOCUMENTARY EVIDENCE

[5] The landowners / claimants examined the following twelve (12) witnesses before the Reference Court and relied upon the documents mentioned against each as under:-

Sr. No.	**Name of the Witness**	**Appeared as**	**Documents relied upon**	
			Exhibit No.	**Description**
1.	Ram Mehar, Registration Clerk, O/o Sub Registrar, Jagadhri	PW-1	Ex. P1 to P4	Four sale deeds bearing No. 3208, dt. 06.07.2006; No. 3209, dt. 06.07.2006; No. 3000, dt. 30.07.2007, No. 4568, dt. 29.09.2006, respectively
2.	Darshan Singh, Clerk, O/o DTP, Yamuna Nagar	PW-2	Ex. P5	Notification dated 29.05.1997 declaring all these villages additional controller area
3.	Roop Chand, Sadar Kanoongo, Yamuna	PW-3	Ex. P6 & P7	Notifications under Sections 4 & 6

	Nagar			respectively
			Ex. P8 to P10	Award Nos. 1 to 3, dt. 10.07.2009, respectively
4.	Jaspal Singh son of Mahinder Singh	PW-4	Ex. P11	Sale Agreement No. 1667, dt. 18.05.2006 for land measuring 73K-1M at Village Udhamgarh @ Rs. 96 lakhs per acre
5.	Davinder Gupta, Draftsman, Court Campus, Jagadhri	PW-5	Ex. P12	Site plan
6.	Harinder Pal, Patwari, Circle Jagadhri	PW-6		
7.	Parvesh Kumar, Employee, Market Committee, Jagadhri	PW-7	Ex. P13 & P14	RTI application & reply thereof respectively
8.	Vaibhav Garg, Chartered Engineer and Registered Valuer	PW-8	Ex. P15 & P16	Report & scaled site plan respectively
9.	Anil Kumar son of Phool Singh	PW-9	Ex. PW9/A	Affidavit deposing that he and his brothers are owners in possession of land situated within the revenue estate of Village Manakpur and within municipal limits of Jagadhri
10.	Randhir Singh son of Harda Ram	PW-10		
11.	Davinder Kumar Gupta	PW-11	Ex. P18	Site plan
12.	Anil Kumar son of Phool Singh	PW-12	Ex. PW12/A	Affidavit deposing that he and his brothers are owners in possession of land situated within the revenue estate of Village Manakpur and within municipal limits of Jagadhri
13.			Ex. P19 to P23	Copies of judgments dated 11.02.2014, 10.02.2014, 20.12.2013, 21.03.2014 & 05.03.2014, respectively

[6] On the other hand, the HSIIDC / State examined Mr. Yashashvi Verma, Manager, HSIIDC, Yamuna Nagar as RW1, who testified that the award in question was passed by LAC after taking into consideration all the relevant factors and the nature of land being agricultural, hence the value of the acquired land could not be compared with the value of residential and commercial land.

[7] In the present case, it transpires that land falling in three revenue estates namely, Manikpur, Udhamgarh and Garhi Banjaran, District Yamuna Nagar, measuring 305 acres, 4 kanals and 75 marlas was sought to be acquired vide Notification dated 11.07.2007, issued under Section 4 of the Act. Later on, notification dated 10.07.2008, was issued under Section 6 of Act regarding land measuring 259 acres, 6 kanals and 17 marlas in total, wherein, an area measuring 148 acres, 6 kanal, 19 marlas falling in the revenue estate of Village Manikpur was included and area measuring 71 acres, 2 kanals and 8 marlas of Village Udhamgarh as well as 39 acres, 5 kanals and 10 marlas of Village Garhi Banjaran, was acquired for the purpose of setting up Industrial Estate, Phase-II, Manakpur, Tehsil Jagadhri at Yamuna Nagar. The Land Acquisition Collector, Yamuna Nagar (for short "LAC"), vide Award No. 1 dated 10.07.2009, assessed the market value of the acquired land @ Rs. 8 lakhs per acre pertaining to village Manikpur, for the year 2009-2010, besides other statutory benefits. Similarly, for Village Udhamgarh, Award No.2 for the year 2009-2010 was announced on the same date by fixing the same market value i.e. Rs. 8 lakhs per acre, besides other statutory benefits and for Village Garhi Banjaran, the market value was assessed vide Award No.3 dated 10.07.2009, on the same lines i.e. @ Rs. 8 lakhs per acre, besides other statutory benefits.

[8] Aggrieved of the Assessment made by the LAC in exercise of powers under Section 11 of the Act, the landowners filed their references under Section 18 thereof. The Reference Court vide its award dated 20.04.2015, assessed the market value at the uniform rate of Rs.30 lakhs per acre for all the three revenue estates, besides, awarding other statutory benefits. While assessing the market value, the Reference Court primarily relied upon a sale deed No.3208 dated 06.07.2006 (Ex.P-1) pertaining to land measuring 8 acres, 4 kanals and 6 marlas for a total consideration of Rs.4,69,56,250/- i.e. Rs.55 lakhs per acre and applying 40-45% thereupon as development cut arrived at the figure of Rs. 30,25,000/- per acre and made the final assessment @ Rs. 30,00,000/- per acre by rounding it off.

[9] By way of present appeal(s), the aforesaid award passed by the Reference Court has been impugned.

[10] Learned counsel representing the appellant-HSIIDC submits that the sale deed (Ex.P-1) could not have been relied upon, while assessing the market value, as the same is situated on the other side of the national highway as compared to the land under acquisition. It has been further submitted that the said sale deed was made by some business establishment exclusively for commercial purposes and thus, the same could not have been taken to be an exemplar, while assessing the compensation. Learned counsel further submits that vide present acquisition, a large chunk of land falling in three different revenue estates, had been acquired and therefore, one uniform market value should not have been assessed or fixed as regards the entire chunk. It has further been submitted that if at all the sale deed (Ex.P-1) was required to be considered by the Reference Court, three (03) different cuts were required to be applied upon the consideration mentioned therein; (i) the development cut; (ii) the cut on the ground that the transaction was purely for commercial purpose; (iii) the land under the sale deed was situated on the other side of the national highway. He also submits that the Reference Court, while assessing the compensation was also required to take into consideration the sale deed (Ex.P-4), which also pertained to Village Manakpur, wherein the sale price would come to Rs. 32 lakhs per acre only and at best the Reference Court would have taken a mean of Ex.P-1 and Ex.P-4, while assessing the compensation.

[11] Learned counsels for the respondents-landowners submit that in view of the location of the land under acquisition being surrounded by already existing developed Manakpur Industrial Estate Phase-I as well as the National Highway and also forming part of the controlled area, besides adjoining the municipal limits of Yamuna Nagar at Jagadhari, the Reference Court went wrong while applying the development cut @ 40-45%. It has further been contended that considering the large area of sale deed (Ex.P-1), which is more than 8 acres, no cut should have been applied, while assessing the market value. It has also been contended that the registered agreement to sell dated 18.05.2006 (Ex. P-11) which pertained to 73 kanals 01 marla of land situated in the revenue estate of Village Udhamgarh, wherein the sale price was fixed @ Rs. 96 lakhs per acre, was also required to be considered, the same being genuine *bona fide* transaction, especially when 15% earnest money was paid to the vendor as earnest money.

Learned counsel representing the respondents-landowners also claimed appreciation @ 12% per annum for the difference of period between the date of exemplar sale deeds and the date of notification under Section 4 of the Act in the present case which is 11.07.2007.

Referring to the Award, learned counsel(s) further submit that the land under acquisition was having greater potential value being surrounded by already established industrial units, school, hospitals, plywood factories & petrol pump etc. and thus, prays for further enhancement of compensation.

[12] I have heard learned counsel for the parties and perused the paper book as well as the record provided of the Reference Court.

[13] First and foremost issue is to evaluate the potential value of the land under acquisition upon proper appreciation of its location. From the facts and circumstances of the present case as well as based on consideration of the evidence available on record in the shape of various site plans produced by the respective parties, it is apparent that the acquired land while falls within the revenue estate of Village Manakpur is just abutting the already developed Industrial Estate, Manakpur Phase-I, whereas the land under acquisition falling in the revenue estate of village Udhamgarh is lying sandwiched between the National Highway, 73–A and the land under acquisition falling in Village Manakpur besides the land of village Ghari Banjaran again, touching land of village Manakpur, from the northern side. Therefore, as a whole towards north, the acquired land abuts already developed Industrial Area, Phase-1, Manakpur, whereas on the Southern side, there is Yamuna Nagar – Jagadhari Corporation building and the eastern side portion abuts the State Highway, known as Jagadhri to Dadupur Paonta Sahib with number of industrial and commercial units existing in the adjoining vicinity. Besides it, the following observations made by the Reference Court in paragraph number 20 of the impugned award, being relevant on the point of discussion is also reproduced hereunder:-

> *"**20**. The perusal of site plans further shows that acquired land is adjacent/near to Chhachhrauli road i.e. NH-73A from Jagadhri to Paonta Sahib. Acquired area of Manakpur abuts developed Industrial Area, Phase-I, Manakpur. There is a timber market near the area. Flour Mill, PNB Building (Old), Akal Baksh Banda Sahib Gurudwara, Joginder Vihar Colony, plywood factory under the name and style of Jawala Parsad, Aaditya Dharam Kanta, Tannu Timber and Vishavkarma Timber are situated close to the land acquired in village Udhamgarh. Various other establishments and industries are there near the land under acquisition. Learned counsel for petitioners have also drawn attention of the Court to the Revised Draft Development Plan for Controlled Area 2021-AD in which villages Udhamgarh, Manakpur and Garhi Banjaran are shown to be falling within municipal limits. Perusal of this plan, which has not been disputed by the respondents, shows that these villages are within close proximity to town Jagadhri and adjoining to the already developed Industrial Area of Mankapur. PW6 Harender Pal, Patwari, Circle*

> *Jagadhri has testified that the boundaries of villages Manakpur, Udhamgarh and Garhi Banjaran are attached with each other and Chhachhrauli road is passing through the land of village Manakpur and Jagadhri. PW2 Darshan Singh, Clerk, O/o District Town Planning, Yamuna Nagar has submitted the certified copy of notification Ex.P5, which shows that villages Manakpur, Udhamgarh and Garhi Banjaran fall within the additional controlled area vide notification dated July 1, 1997. The respondents have heavily relied on the testimony of RW1 Yashashvi Verma, who has also produced the proceedings of committee Ex.D2. A careful perusal of the document Ex.D2 reveals that the nature of the acquired land situated in three villages has been mentioned as Chahi, which means the land under acquisition was not barren land and rather was fertile and cultivable land having potential to be developed as Industrial Area. "*

Still further, the location of the land in question being situated adjacent to National Highway No. 73-A as well as near the Industrial Estate, Phase-1 HSIIDC, Yamuna Nagar, has even been acknowledged and admitted by RW1 Shri Yashasvi Verma, Manager (U.T.L), HSIIDC, Yamuna Nagar in his cross-examination. Relevant portion, therefrom is reproduced hereunder:-

> *" It is correct that the department developed the Industrial Estate phase-II at Manakpur. It is also correct that in the North side of the land in question, Industrial Estate Phase-I already exists. The land in question is adjacent to National Highway No. 73-A. Village Manakpur is separate from the land in question. It is correct that the some part of the land*

> *in question is adjacent to the southern side of village Manakpur. Our department has developed the industrial Estate Phase-II on the land of village Manakpur, Udhamgarh and Garhi Banjaran. The boundaries of these three villages are adjoining to each other. "*

Thus, taking a cumulative analysis of the evidence available on record and in view of the discussion made hereinabove, it is apparent that the land in question at the time of acquisition was having greater potential & locational value for being used as residential and commercial purposes in the wake of existence of all basic necessry amenities like roads, sewerage, electricity, etc. with the further scope of extension as well.

[14] Further, the material available on record in the shape of site plans as well as the oral deposition makes it evident that the three revenue estates, namely, villages, Manakpur, Udhamgarh and Ghari Banjaran forming part of the notification in question are adjacent and abutting to each other. This fact has even been established from the statement of PW6 Sri Harinder Pal, Patwari, Circle Jagadhari, who, in his cross-examination very categorically states that the boundaries of the three villages are attached with each other and there has been no cross-examination or even a suggestion put to him by the appellant-HSIIDC in this regard to counter the same. Moreover, even the committee headed by Commissioner, Ambala Division Ambala, consisting the representatives of the appellants, treated all the above mentioned three revenue estates being of equal potential value and recommended uniform rate of Rs. 8 lakhs per acre for award of compensation for the same. This fact can be discerned from the report dated 27.01.2009, submitted by the above mentioned committee, which has been proved on record as Ex. D2. Besides it, even the Land Acquisition Collector, relying upon the report dated 27.01.2009 awarded uniform market value at the rate of Rs. 8 lakhs per acre for all the three revenue estates forming part of the same notification. Thus, for the purposes of determination of compensation, in the facts and circumstances of the present case and in view of the evidence available on record, the three revenue estates forming part of the acquisition proceedings in the present case cannot be treated differently, and the argument raised on behalf of the appellant-HSIIDC, to the contrary, is accordingly rejected.

[15] I am unable to find substance in the arguments raised on behalf of the appellant-HSIIDC to the effect that the sale deed dated 06.07.2006 (Ex. P-1) was required to be discarded being a transaction of commercial nature besides the land forming part thereof, existing on the other side of the National Highway. A perusal of the sale deed Ex. P-1 shows that the land sold therein falls within the revenue estate of Village Udhamgarh and the said revenue estate forms part of the acquired land. Moreover, the contention raised on behalf of the appellant that the sale deed Ex. P-1, vide which the land was sold in favour of business establishment for commercial purpose, was required to be applied an additional cut on this count. The said contention, rather than helping the appellant, goes other way round and in fact establishes the commercial value of the land situated in / and around the revenue estate of Village Udhamgarh, which lies adjacent to the revenue estate of Village Manakpur whereupon Industrial Area, Phase-I, Manakpur is also existing.

DETERMINATION OF COMPENSATION

[16] For the purpose of determination of compensation of acquired land, the Reference Court did not take into consideration the registered agreement to sell dated 18.05.2006 (Ex.P-11), which pertained to a large chunk measuring 73 kanals 01 marla of land situated in the revenue estate of Village Udhamgarh, Tehsil Jagadhri at Yamuna Nagar. As per the agreement, the sale consideration was Rs. 96 lakh per acre, against which, 15% was paid as earnest money. The Reference Court even did not consider the sale deed dated 06.07.2006 (Ex. P-2) for the reason of same being of small area. Considering the fact that sale deed dated 06.07.2006 (Ex. P-2) pertaining to 4 kanals of land, also formed part of agreement to sell dated 18.05.2006 besides, being from same khewat, khatauni and the khasra number and also between the same parties and even against the similar sale consideration i.e. Rs. 96 lakhs per acre, the sale deed (Ex. P-2) though being for an area measuring 4 kanals, was required to be considered even having been corroborated through the agreement to sell dated 18.05.2006 (Ex. P-11) pertaining to the same revenue estate, being a *bona fide* and genuine transaction. There is no doubt about the proposition of law that all genuine and *bona fide* transactions, including sale deeds as well as agreement to sell, are to be relied upon for the purpose of determination of market value of the acquired land. The registered agreement to sell dated 18.05.2006 (Ex. P-11) has been duly proved on record through one of vendors Jaspal Singh, while appearing as PW-4, who specifically deposed that the land under the agreement was agreed to be sold @ Rs. 96 lakhs per acre. Against this, in his entire cross-examination not even a single word was put to him by the appellant-HSIIDC doubting the genuineness of the agreement or even the sale consideration. The cross-examination of PW-4 which was recorded on 27.03.2014 before the Reference Court is re-produced hereunder:-

> *" At the time of passing the award, I have produced the sale deed Ex. P2 and agreement to sell Ex. P11 but the same were not considered by the Land Acquisition Collector. It is correct that I am availing Rs. 15,000/- per acre till today as per award. The award was passed jointly for 260 acres of land of village Udhamgarh, Manakpur and Gari Banjara. I was the owner of 26 acres of land at that time. There were tube wells, trees and underground water pipe line in the acquired land. It is correct that the award was passed for acquired land, trees and tubewells. I cannot tell as to how much amount I received for the trees standing at that time in the acquired land. I cannot tell whether Forest Department had prepared any estimate regarding the value of trees standing in the acquired land. I have received total awarded amount of my acquired land. It is incorrect to suggest that Collector rate at that time was not more than Rs. 10 lac. It is also wrong to suggest that award which was passed by Land Acquisition Collector on the basis of fertility of land and as per the sale deeds prevailing at that time. "*

Thus, the agreement in question besides the sale consideration mentioned therein being *bona fide* and genuine was required to be taken count of by the Reference Court. Reliance in this regard can be made to the law laid down by the Hon'ble Apex Court in case of ***"Calcutta Metropolitan Development Auth. & State of W.B through its First Land Acquisition Collector Versus Dominion Land & Industries Ltd***. **& Sri Kalidas Chakraborty"**, reported as ***1995 (3) RRR 60***. Relevant paras-13 & 14 from the judgment passed in case of ***Dominion Land & Industries Ltd. (supra)*** are reproduced hereunder:-

> *"**13**. Thus, we have every reason to think that the said agreement to sell (Ex.P-1) was a genuine and bona fide transaction relating to the very acquired land entered into between the parties (respondents-1 and 2) concerned, bona fide, and it reflected the real market value of the land as a whole between September 3, 1975 and March 3, 1983.*
>
> ***14**. Because of the availability of the said genuine and bona fide agreement to sell pertaining to the very land acquired under the LA Act which reflected the real market value of the acquired land at about the time of acquisition, i.e., November 2, 1978, there was no scope for determining the market value of the said acquired land by resorting to the method of Belting or hypothetical building to the method of Comparable Sales in the vicinity of he acquired land or the like. Hence, in our view, the Tribunal as well as the High Court had committed a manifest error in adopting the method of Belting of determining the market value of the aforesaid land acquired under the LA Act. with the market value of which we are concerned here. "*

The aforementioned view has been followed by this Court in case of **"*Harpartap Rai Prui <u>Versus</u> State of Punjab"***, reported as ***2003***

(3) RCR 249.

[17] The Reference Court for the purposes of determination of market value, relied upon solely on the sale deed dated 06.07.2006 (Ex.P1), pertaining to the highest sale consideration. In the facts and circumstances of the present case, once the acquired land formed part of three different revenue estates i.e. Villages Udhamgarh, Manakpur and Garhi Banjaran, the three sale deeds (i) dated 06.07.2006 (Ex. P-1), Village Udhamgarh; (ii) dated 06.07.2006 (Ex. P-2), Village Udhamgarh, and (iii) dated 29.09.2006 (Ex. P-4), Village Manakpur, were all required to be considered, while adopting more practical approach for making the assessment of compensation.

[18] Accordingly, the compensation pertaining to the acquired land needs to be determined by taking into consideration aforementioned reasoning as well as three sale deeds dated 06.07.2006, 06.07.2006 & 29.09.2006 (Exhibits P-1, P-2 & P-4 respectively) by taking mean thereof and applying a cut of 20% thereupon. Considering the fact that there has been a difference of around 10 to 12 months between the three sale deeds and the date of notification under Section 4 of the Act in the present case which is dated 11.07.2007, an appropriate increase of 12% needs to be applied. Reliance in this regard can be made to the judgment of Hon'ble Supreme Court in case of ***Haridwar Development Authority, Haridwar <u>Versus</u> Raghbir Singh etc.,*** reported as ***2010 (2) RCR (Civil) 301***. Relevant paras-10 & 11 thereof are reproduced hereunder:-

> *" **10**. Only one grievance of the claimants remains to be addressed. The claimants pointed out that the relied upon sale*

transaction is dated 19.12.1990, whereas the notification under section 4(1) of a the of Act in this case was of 7.12.1991; and as there is a gap of nearly in one year, an appropriate increase in the market value should have been provide keeping in view the steady increase in prices. It is well settled that an increase in market value by about 10% to 12% per year can be provided, in regard to lands situated near urban areas having potential for non-agricultural development. (See: Sardar Jogendra Singh v. State of U.P., 2008 (17) SCC 133).

***11**. We are therefore of the view that the value arrived at by the Collector, and accepted by the Reference Court and the High Court requires to be increased by 12% in view of the fact that the preliminary notification was one year after the relied upon sale transaction. Accordingly by increasing the value of Rs. 26/25 by 12%, we arrive at the market value as on 7.12.1991 as Rs. 29/40, rounded of to Rs. 29/50 per sq.ft. "*

Considering the locational and potential value of the acquired land, the market value in the present case is thus calculated as under:-

Sr. No.	Sale Deed No. / Dated	Exhibit	Revenue Estate (Villages)	Amount of sale consideration (per acre) (in Rs.)
(1)	(2)	(3)	(4)	(5)
1.	3208/ 06.07.2006	P-1	Udhamgarh	55,00,000.00
2.	3209 / 06.07.2006	P-2	Udhamgarh	96,00,000.00
3.	4568 / 29.09.2006	P-4	Manakpur	32,00,000.00
Total				**1,83,00,000.00**
Mean	Average of three sale consideration (Rs. 1,83,00,000 / 3)			61,00,000.00
Deduction	Cut of 20% (61,00,000 of 20%)			12,20,000.00
Amount	(Rs. 61,00,000 – 12,20,000)			48,80,000.00
Addition	Appreciation @ 12% (Rs. 48,80,000 of 12%)			5,85,600.00
Net Amount	(Rs. 48,80,000 + 5,85,600)			**54,65,600.00**

[19] Moreover, in view of the fact that the land under acquisition as a contiguous unit was touching the Industrial Area, Phase-I, Manakpur having been developed by the appellant-HSIIDC, from one side and the National Highway 73-A (Kurukshetra to Paonta Sahib) on the other, all basic amenities, such as water, electricity, sewerage etc., besides other necessary infrastructure were already existing in the close vicinity of the acquired land and was just required to be expanded further for the purpose of development of Phase-II, Industrial Estate, Manakpur. In this view of the matter besides considering the locational and potential value of the same, a cut of 20% instead of 40-45% was more than sufficient in the facts and circumstances of the present case as well as in view of the evidence available on records.

RELIEF

[20] In view of the discussion made hereinabove, the appeals filed on behalf of the appellant-HSIIDC are dismissed, whereas the appeals filed by the respondents-landowners are allowed. Resultantly, the award dated 20.04.2015, passed by the Reference Court is modified and the market value for the acquired land, involving the three revenue estates is unformally enhanced to **Rs. 54,65,600/- per acre**, besides grant of all other statutory benefits as provided under Sections 23(2), 23(1-A) of the Act as well as interest in terms of Section 28 of the Act.

[21] Pending miscellaneous application(s), if any, shall also stand disposed of.

October 12, 2023 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes

Sr. No.	Case No.	Party Name
* 1.	RFA-531-2016 **(Main case)**	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Gulzar Singh and others
2.	RFA-532-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Banta Singh and others
3.	RFA-533-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Ishwar Kumar and others
4.	RFA-534-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Atma Singh and others
5.	RFA-535-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Darshan Lal and others
6.	RFA-536-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Naseeb Kaur and others
7.	RFA-537-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Manmohan Singh @ Mohan Singh and others
8.	RFA-538-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Manmohan Singh @ Mohan Singh and others
9.	RFA-539-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Gram Panchayat Udhamgarh and others
10.	RFA-540-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Balwinder Singh and others
11.	RFA-566-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Yad Ram and others
12.	RFA-2392-2016	Pardeep Singh ***Versus*** State of Haryana and others
13.	RFA-4697-2015	Rulia Ram and others ***Versus*** State of Haryana and others
14.	RFA-4515-2015	Yad Ram (Since Deceased Through Lrs) and another ***Versus*** State of Haryana and others
15.	RFA-4698-2015	Ajmer Singh ***Versus*** State of Haryana and others
16.	RFA-4701-2015	Mehar Singh ***Versus*** State of Haryana and others
17.	RFA-4702-2015	Satish Kumar ***Versus*** State of Haryana and others

18.	RFA-4703-2015	Lachman Dass ***Versus*** State of Haryana and others
19.	RFA-4704-2015	Jasmer Singh ***Versus*** State of Haryana and others
20.	RFA-4705-2015	Anil Kumar ***Versus*** State of Haryana and others
21.	RFA-4706-2015	Naresh Kumar ***Versus*** State of Haryana and others
22.	RFA-4707-2015	Parveen Kumar ***Versus*** State of Haryana and others
23.	RFA-4747-2015	Ram Kishan and others ***Versus*** State of Haryana and others
24.	RFA-4748-2015	Samay Singh and others ***Versus*** State of Haryana and others
25.	RFA-4749-2015	Jai Pal and others ***Versus*** State of Haryana and others
26.	RFA-4776-2015	Gian Chand and others ***Versus*** State of Haryana and others
27.	RFA-4777-2015	Ved Pal and another ***Versus*** State of Haryana and others
28.	RFA-4778-2015	Birbal and another ***Versus*** State of Haryana and others
29.	RFA-4779-2015 (O&M)	Devender Singh and another ***Versus*** State of Haryana and others
30.	RFA-4780-2015	Darshani and others ***Versus*** State of Haryana and others
31.	RFA-4781-2015	Simran Mohan Singh ***Versus*** State of Haryana and others
32.	RFA-4782-2015	Ghasitu Ram ***Versus*** State of Haryana and others
33.	RFA-4783-2015	Nirmal Singh (Since Deceased Through His Lr) and another ***Versus*** State of Haryana and others
34.	RFA-4784-2015	Nachhattar Pal and another ***Versus*** State of Haryana and others
35.	RFA-5355-2015	Gurdeep Singh ***Versus*** State of Haryana and others
36.	RFA-5361-2015	Sheo Pal and another ***Versus*** State of Haryana and others
37.	RFA-5649-2015 (O&M)	Darshan Singh and others ***Versus*** State of Haryana and others
38.	RFA-6263-2015	Banta Singh ***Versus*** State of Haryana and others
39.	RFA-6264-2015	Chandan Madaan and others ***Versus*** State of Haryana and others
40.	RFA-567-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Nachhattar Pal and others
41.	RFA-568-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Gram Panchayat Manakpur and others

42.	RFA-569-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Naresh Kumar and others
43.	RFA-570-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Pardeep Singh and others
44.	RFA-571-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Simran Mohan Singh and others
45.	RFA-572-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Rulia Ram and others
46.	RFA-573-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Mehar Singh and others
47.	RFA-574-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Birbal and others
48.	RFA-575-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Randhir Singh and others
49.	RFA-576-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Parveen Kumar and others
50.	RFA-577-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Lachman Dass and others
51.	RFA-578-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Sheo Pal and others
52.	RFA-579-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Nirmal Singh and others
53.	RFA-580-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Jasmer Singh and others
54.	RFA-581-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Anil Kumar and others
55.	RFA-582-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Darshani and others
56.	RFA-583-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Gurdeep Singh and others
57.	RFA-584-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Satish Kumar and others

58.	RFA-585-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Ghasitu Ram and others
59.	RFA-586-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Ved Pal and others
60.	RFA-587-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Onkar Singh and others
61.	RFA-588-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Ajmer Singh and others
62.	RFA-589-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Devender Singh and others
63.	RFA-59-2016	Atma Singh (Deceased) Through His LRs Iqbal Singh and others ***Versus*** State of Haryana and others
64.	RFA-60-2016	Naseeb Kaur (Deceased) Through Her Lrs Lakhwinder Singh and others ***Versus*** State of Haryana and others
65.	RFA-590-2016	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Arvinder Singh and others
66.	RFA-591-2016 (O&M)	Haryana State Industrial Infrastructure Development Corporation, Panchkula ***Versus*** Darshan Singh and others
67.	RFA-624-2016	Haryana State Industrial Infrastructure Development Corporation Panchkula ***Versus*** Gurnam Singh and others
68.	RFA-6421-2015	Ishwar Kumar and others ***Versus*** State of Haryana and others
69.	RFA-6430-2015	Manmohan Singh Alias Mohan Singh and others ***Versus*** State of Haryana and others
70.	RFA-6431-2015	Darshan Lal and another ***Versus*** State of Haryana and others
71.	RFA-6432-2015	Gulzar Singh and others ***Versus*** State of Haryana and others
72.	RFA-6433-2015	Balwinder Singh and another ***Versus*** State of Haryana and others
73.	RFA-6434-2015	Gurnam Singh and another ***Versus*** State of Haryana and others
74.	RFA-6435-2015	Madan Lal and others ***Versus*** State of Haryana and others
75.	RFA-6436-2015	Manmohan Singh Alias Mohan Singh and others ***Versus*** State of Haryana and others
76.	RFA-6437-2015	Onkar Singh and others ***Versus*** State of Haryana and others

77.	RFA-6438-2015	Arvinder Singh and others ***Versus*** State of Haryana and others
78.	RFA-6837-2015	Randhir Singh ***Versus*** State of Haryana Through Collector Yamuna Nagar and others
79.	RFA-73-2019 (O&M)	HSIIDC ***Versus*** Shiv Dass Garg and others
80.	RFA-74-2019 (O&M)	HSIIDC ***Versus*** Jai Pal and others
81.	RFA-75-2019 (O&M)	HSIIDC ***Versus*** Samay Singh and others
82.	RFA-76-2019 (O&M)	HSIIDC ***Versus*** Ram Kishan and others
83.	RFA-77-2019 (O&M)	HSIIDC ***Versus*** Chandan Madaan and others
84.	RFA-78-2019 (O&M)	HSIIDC ***Versus*** Gian Chand and others
85.	RFA-79-2019 (O&M)	HSIIDC ***Versus*** Madan Lal and others
86.	RFA-80-2019 (O&M)	HSIIDC ***Versus*** Banta Singh and others
87.	RFA-345-2012 (O&M)	Dharam Dev ***Versus*** Rulia Ram

October 12, 2023 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**