

2025:PHHC:175112



146 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5618-2019 (O&M)
Decided on:-10.12.2025

M/s Divya Buildcon Pvt. Ltd.

....Petitioner..

VS.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rishabh Gupta, Advocate,
for the petitioner.

Mr. Abhinav Kalia, DAG, Haryana.

Mr. H.S. Gill, Advocate,
for respondent No.3.

HARKESH MANUJA J. (Oral)

CM-12174-CWP-2025

Application is allowed as prayed for. Copy of rapat as well as jamabandi in the shape of Annexures P-10 and P-11 are taken on record, subject to all just exceptions. Be tagged at appropriate place.

Main case

1. By way of present writ petition, prayer has been made on behalf of the petitioner/landowner for release of statutory interest in terms of Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*hereinafter to be referred as 'the 2013 Act'*) towards delay in disbursal of the amount of

compensation under the Award passed by the Land Acquisition Collector.

2. As per facts stated in the Writ Petition, land measuring 10 Kanals 15 Marlas owned by the petitioner comprised in Killa No. 10 min (1-8), 12 min (2-9), 13 min (3-2), 14 min (3-16) of Rectangle No.111 situated within the revenue estate of village Badshahpur, Tehsil and District Gurugram came to be acquired vide Notifications dated 11.12.2013 and 10.12.2014 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the 1894 Act'), respectively, followed by passing of Award dated 09.12.2016 by the Land Acquisition Collector, Gurugram in exercise of the powers under Section 11 of the 1894 Act.

3 It has been stated by learned counsel for the petitioner that the possession of the acquired land was taken over by the respondents on the date of passing of Award ie. 09.12.2016, however the amount of compensation was released only on 20.12.2018 after about a period of 24 months and thus, the petitioner/landowner was entitled for award of statutory interest for the delayed period as per the provisions of Section 80 of the 2013 Act.

4. On the other hand, learned counsel for respondent No. 3 submits that the delay towards release of compensation was not attributable to the respondents. He points out that compensation was released after the verification of documents and after the physical possession was taken by the concerned authority and the amount was duly transferred and there was no deliberate or avoidable delay on the part of the respondent and thus, the petitioner/landowner was not entitled for award of any interest under Section 80 of the 2013 Act.

5. I have heard learned counsel for the petitioners and perused the

paper book.

6. Perusal of record shows that the subject land was purchased by the petitioner-Company vide registered Sale Deed dated 22.06.2010 i.e. much prior to the issuance of Notifications dated 11.12.2013 and 10.12.2014 issued under Sections 4 and 6 of the 1894 Act, respectively. The Award was passed by the Land Acquisition Collector on 09.12.2016 and the possession of the land in question was taken over from the landowner by the respondents on the date of the Award itself vide Rapat No.277 (Annexure P-10) and the same was handed over to the representatives of the Estate Officer-II, HUDA, Gurugram.

7. In such circumstances, the compensation was required to be released in favour of the petitioner/landowner on the date of passing of the Award itself. However, in the given facts, benefit was released to the petitioner only on 20.12.2018. Accordingly, the respondents were under obligation to award the benefit of statutory interest in favour of the petitioner/landowner at least from the date of passing of the Award i.e. 09.12.2016 till 20.12.2018 i.e. the day when the compensation was deposited in the account of the petitioner on account of delayed release of amount of compensation.

8. In the light of discussion made hereinabove, the appellant/landowner is held entitled for award of benefit under Section 80 of the 2013 Act on the delayed disbursement of the compensation amount from 09.12.2016 to 20.12.2018.

9. The State shall pay interest on the delayed amount of compensation at the rate of 9% per annum for the period of the first year and beyond that period, interest shall be calculated @15% per annum from the

date of award till the date of release of compensation. Considering the fact that Award in the present case was passed way back on 09.12.2016 and the compensation was deposited with the petitioner on 20.12.2018, the concerned Land Acquisition Collector shall calculate the amount payable due towards the petitioner for the said period and shall forward the same to respondent No.3, who shall in turn release the same in favour of the petitioner/landowner. The above mentioned amount shall be released alongwith an interest at 12% per annum from the date of entitlement till the actual realization of the amount.

Let the needful be done within a period of 2 months. Accordingly, the present writ petition is allowed.

10 Petition stands disposed of. All pending application(s), if any shall also stand disposed of.

10.12.2025
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(HARKESH MANUJA)
JUDGE

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