

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115

CR-8193-2025 and
others connected cases
Date of decision: 28.11.2025

Haryana State Industrial and Infrastructure Development Corporation
Limited (HSIIDC)

. . . . Petitioner

Vs.

Maharam and another

. . . . Respondents

CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Pritam Singh Saini, Advocate and
Ms. Vamika Johar, Advocate, for the petitioner.

DEEPAK GUPTA, J. (ORAL)

It is a bunch of 26 Civil Revisions, all filed under Article 227 of the Constitution of India for quashing the common order dated 19.07.2025 (*Annexure P/1*) passed by the learned ADJ, Gurugram, whereby various execution petitions filed by petitioner herein were dismissed.

2. Following is the list of petitions, being disposed of by this common order -

1.	CR-8193-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Maharam and another
2.	CR-8194-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Ghanshyam Dass and others
3.	CR-8196-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Mahipal Singh and others
4.	CR-8197-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Madan Grover and another
5.	CR-8200-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Lalit Kumar and another
6.	CR-8201-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Kuldeep and others

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7.	CR-8202-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Ram Chander and others
8.	CR-8203-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Smt. Omwati and others
9.	CR-8205-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Satish Kumar and another
10.	CR-8206-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Kuldeep Jain and others
11.	CR-8207-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Radhey Sham and others
12.	CR-8211-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Shiv Charan and others
13.	CR-8215-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Birender Singh and others
14.	CR-8217-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Smt. Urmila and others
15.	CR-8231-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Shadi and another
16.	CR-8239-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Desh Ram and others
17.	CR-8240-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Prem Pal and others
18.	CR-8241-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Manoj and others
19.	CR-8249-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Sukh Dev and another
20.	CR-8269-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Hukum Chand and others
21.	CR-8294-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Mahipal Singh and others
22.	CR-8614-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Rakesh and others
23.	CR-8615-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Janak Singh and others

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24.	CR-8617-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Charni and others
25.	CR-8623-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Jaibir and others
26.	CR-8650-2025	Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) Vs. Anang Pal Singh and others

3. Assailing the impugned order, learned counsel for the petitioner submits that the land of several landowners situated in Village Bas Khosla was acquired by the State of Haryana. Dissatisfied with the award of the Land Acquisition Collector, the landowners sought references under Section 18 of the Land Acquisition Act, 1894. The Reference Court, vide its award dated 28.09.2013, re-assessed the market value of the land at ₹68,32,893/- per acre.

4. Subsequently, in appeals preferred by the State under Section 54 of the Act, this Court reduced the market value to ₹43,61,400/- per acre. Aggrieved by such reduction, the landowners approached the Hon'ble Supreme Court. Vide judgment dated 08.04.2021, the Hon'ble Supreme Court reassessed the market value and fixed it at ₹47,10,500/- per acre.

5. It is next submitted that, in the interregnum, several landowners initiated execution proceedings before the Executing Court seeking release of compensation at the rate determined by the Reference Court. As no interim protection had been granted in favour of the State or its beneficiary department, the petitioner was compelled to deposit the compensation calculated at the higher rate fixed by the Reference Court.

6. After the Supreme Court finally determined the market value, the petitioner initiated separate execution petitions, seeking a direction for *refund* of the excess amount already withdrawn by the landowners along with statutory interest. The Executing Court, however, dismissed all such executions vide order dated 19.07.2025, holding that an execution petition was not the appropriate remedy. It reasoned that restitution under Section



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144 CPC was the only correct procedural mechanism once the original decree (here, the Reference Court award) had been varied or reversed by a superior court.

7. Once a decree is modified or reversed in appeal, Section 144 CPC statutorily mandates restoration of the parties to the position they would have occupied but for the erroneous decree. The principle of *actus curiae neminem gravabit*—the act of the Court shall prejudice no one—requires refund of excess compensation. Courts have consistently held that where restitution is sought due to reversal or variation of an award or decree, an execution petition is not maintainable, because what is to be executed is not the original decree but the altered liability arising by virtue of the appellate judgment. Therefore, the Executing Court’s finding that the proper remedy lies under Section 144 CPC, is legally sound.

8. Learned counsel for the petitioner submits that the Executing Court ought to have either treated or converted the execution petitions into applications under Section 144 CPC, in view of the settled principle that substance prevails over form and procedural technicalities must not defeat substantive rights. In the alternative, he prays that the petitioner be permitted to withdraw the execution petitions with liberty to file appropriate applications under Section 144 CPC before the competent Court.

9. Courts have inherent powers under Section 151 CPC to treat a mis-labelled or defective proceeding as one maintainable in law, particularly when the relief claimed remains otherwise permissible. However, conversion is discretionary and depends on the nature of defects, the stage of proceedings, and whether prejudice may be caused to the opposite party. Seeking withdrawal with liberty therefore remains a proper and unobjectionable course.

10. Therefore, the alternative request made by learned counsel for the petitioner is accepted. Accordingly, the cluster of 26 petitions, mentioned in para 2 of this order, is dismissed as withdrawn. The petitioner

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is granted liberty to file appropriate applications under Section 144 CPC before the Court concerned for restitution of the excess compensation paid to the landowners.

11. It is clarified that, while deciding the applications under Section 144 CPC, the concerned Court shall adjudicate the matter uninfluenced by any observations made in the impugned order of the Executing Court, and shall dispose of the matter strictly in accordance with law, keeping in view the principles governing restitution and refund of excess compensation post-appeal.

12. As no adverse order is being passed against the respondents and the petitions are dismissed as withdrawn at the request of the petitioner, issuance of notice of motion is not required.

Disposed of accordingly.

A photocopy of this order be placed on the connected files.

28.11.2025

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>