

CR No.4239 of 2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.4239 of 2016 (O&M)

DATE OF DECISION: SEPTEMBER 13, 2018

HARYANA STATE INDUSTRIAL
& INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED

...PETITIONER

VERSUS

RAJ KUMAR AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

PRESENT: MR. R.K. SAINI, ADVOCATE
FOR THE PETITIONER.

MR. PRATEEK GUPTA, ADVOCATE
FOR THE RESPONDENTS NO.1 TO 3.

AMOL RATTAN SINGH, J.(ORAL)

CM-19438-CII-2018

By this application, the applicants (respondents no.1 to 3 in the accompanying petition) seek disposal of the petition in terms of the judgement of this Court dated 9.3.2018 (the date of the judgement has erroneously been shown to be 8.3.2018, whereas, it is actually 9.3.2018), passed in RFA No.2373 of 2010. Though a copy of the said judgement has not been annexed with the application, learned counsel has produced it in Court today, wherein the following directions have been given:-

“140. Accordingly, the appeals filed by the HSIIDC seeking reduction in the compensation and of MSIL are dismissed and those of the land owners alongwith cross-objections are allowed.

(i) The market value of the land falling in five village i.e. Naharpur Kasan, Kasan, Bas Huria, Bas Khusla and Dhana is assessed @ Rs.41.40 lakhs per acre alongwith all statutory benefits.

(ii) The market value of land in village Manesar is assessed @ Rs.62.10 lakhs per acre alongwith all statutory benefits.

(iii) The appellant-M/s Kohli Holdings Private Limited in RFA No.4646 of 2010 would be entitled for compensation Rs.62.10 lakhs per acre, on account of it being given benefit of 50% of locational advantage being situated on the highway and in village Manesar apart from that it would be entitled for 30% more compensation on account of severance charges on the abovesaid market value alongwith all statutory benefits.

(iv) The directions of the Apex Court in the case of Pran Sukh will also be adhered to while disbursing the balance amount of compensation.

(v) Where appeals have been filed by the land owners which were beyond period of limitation and applications have been filed for condoning the delay with a condition that the land owners will not be entitled for the interest during the said period, the Executing Court shall ensure that the amounts are calculated and disbursed, keeping in the view the said condition which has been passed in

the case of each and individual land owner.

*(vi) The appeals filed by the MSIL are dismissed on account of non-maintainability and in view of the observations of the Apex Court in the case of **Satish Kumar Gupta (supra)** being a post notification allottee.”*

Notice in the application to the counsel opposite.

Mr. Prateek Gupta, learned counsel for the petitioner (HSIIDC) accepts notice and could not deny that the case of the parties would actually be covered by the said judgement, the acquisition proceedings being the same in both cases.

That being so, the date of hearing in the accompanying petition is advanced to today itself.

This application is allowed and the accompanying petition is disposed of in terms of the ratio of the judgement of this Court in RFA No.2373 of 2010 dated 9.3.2018.

Since this petition has been tagged with various other petitions and, seemingly at least, they too would be covered by the ratio of the judgement in the aforesaid Regular First Appeal, all the other connected petitions be put up for hearing on 28.9.2018.

Counsel for the parties to be informed by the Registry.

September 13, 2018
Gulati

(AMOL RATTAN SINGH)
JUDGE

Whether Reportable : Yes
Whether Speaking/Reasoned : No