

2026:PHHC:083955



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2365-2022

Date of Decision: May 27, 2026

HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITED

.....Petitioner

Versus

JAIDEEP AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Surbhi Rana, Advocate for
 Mr. Pritam Singh Saini, Advocate for the petitioner.
 Mr. Chanderhas Yadav, Advocate for respondent No.1.
 Ms. Komal Sharma, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

1. Challenge in the present writ petition is to order dated 29.03.2017 passed by District Revenue Officer-cum-Land Acquisition Collector, Jhajjar whereby, application moved under Section 28-A of the Act by respondent No.1-landowner was allowed.

2. The only grouse raised on behalf of petitioner is that determination made by the learned Reference Court vide its award dated 06.04.2015 on the basis of which application under Section 28-A of the Act was filed by respondent No.1-landowner, has not become final as the matter is already pending before the Hon'ble Apex Court.

3. No merit can be found in the submission made on behalf of the petitioner as the Hon'ble Apex Court vide its decision dated 25.03.2026 passed in ***Andanayya and Ors. Vs. Deputy Chief Engineer and Ors.*** reported as ***2026 INSC 293*** has already held that there is no restriction on the filing of application under Section 28-A of the Act with each determination made by the learned Reference Court; High Court or even the Hon'ble Apex Court. Relevant paragraphs no. 25 and 26 are reproduced hereunder:

“ 25. From the analysis made hereinabove on the relevant provisions of the Act and the judgments relied upon by the parties, we are inclined to hold that even a

second application made under Section 28-A of the Act after the award passed by the High Court is maintainable and entitled to be considered by the Collector/LAO. We are of the view that, entertaining an earlier application filed under Section 28-A of the Act on the basis of the award of the Reference Court followed by the receipt of money, shall not act as a bar for the same applicant to seek further re-determination of compensation on the basis of the award passed by the High Court or this Court.

26. *It is the doctrine of merger that comes into application in such circumstances. The benefit of an enhanced compensation received by a landowner, consequent to the final award passed by the appellate forum, would also extend to similarly placed landowners who seek redetermination of compensation under Section 28-A of the Act. To put it differently, when 'A' obtains an award from the Reference Court, 'B' can also receive the benefit of the same by invoking Section 28-A of the Act. Similarly, when 'A' receives an enhancement from the High Court or this Court, 'B' is also entitled to receive the same enhancement, notwithstanding the earlier receipt of money under Section 28-A of the Act based upon the award of the Reference Court. The decision of this Court in Pradeep Kumari (supra) has to be understood and applied only in a context when multiple awards come to be passed by the Reference Court itself and not in the present context when a subsequent award is passed by the High Court or by this Court. Ultimately, the object of Section 28-A of the Act is to maintain parity and equality between the similarly placed landowners in the payment of compensation. The question of estoppel, waiver or acquiescence would thus not arise, in view of the statutory prescriptions under Section 28-A of the Act."*

4. In such circumstances, the present writ petition being devoid of merits is thus, dismissed, as mere pendency of SLP before the Hon'ble Apex Court with respect to the determination of market value of the acquisition in hand cannot be a ground to deny respondent No.1-landowner of similar amount of compensation as assessed by the learned Reference Court.

5. Further, respondent No.1-landowner shall even be entitled to move a fresh application under Section 28-A of the Act on the basis of any final determination made by the Hon'ble Apex Court within the statutory period of 90 days.

6. Pending application(s), if any, shall also stand disposed of.

27.05.2026

Tejwinder

(HARKESH MANUJA)
JUDGE

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