



171 (2 appeals + 2 cross objections)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) **RFA No. 1050 of 2023 (O&M) with
Cross Objection No. 152 of 2025 (O&M)
Date of Decision: 13.03.2026**

Haryana State Industrial and Infrastructure
Development Corporation Limited, Panchkula

...Appellant

Versus

Jai Gopal and others

...Respondents

AND

(2) **RFA No. 1053 of 2023 (O&M) with
Cross Objection No. 153 of 2025 (O&M)**

Haryana State Industrial and Infrastructure
Development Corporation Limited, Panchkula

...Appellant

Versus

Satinder Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pritam Singh Saini, Advocate with
Ms. Surbhi Rana, Advocate
for the appellant(s)-HSIIDC (in both cases).

Mr. Kamal Sehgal, Sr. Advocate, assisted by
S/Sh. Ravinder Pankaj & Anurag Mor, Advocates,
for respondent Nos. 1 to 5-landowners / cross-objectors.
(in RFA-1050-2023) and
for respondent Nos. 1 to 6-landowners / cross-objectors.
(in RFA-1053-2023)

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present two appeals
with two cross objections bearing RFA Nos. 1050 & 1053 of
2023 with Cross Objection Nos. 152 & 153 of 2025 filed in the

appeals respectively, as the same arise out of common acquisition / award.

[2] The appellant(s)-HSIIDC, by instituting the aforesaid appeals, preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), sought setting aside of the award dated 19.04.2023 passed by the learned Additional District Judge, Sirsa (**hereinafter to be referred as “Reference Court”**), whereby the reference petition(s) preferred by the respondent(s)-landowner(s) under Section 28-A(3) of the 1894 Act were accepted.

[3] On the other hand, the respondents-landowners have also preferred cross-objections in the present appeals for further enhancement of compensation in terms of decision dated **08.12.2025** passed in ***RFA No. 2803 of 2017 with Cross Objection No. 880 of 2025***, titled ***“Mohinder Kaur and others Versus State of Haryana through Collector, Sirsa and others”***.

[4] Alongwith with the cross-objections, applications bearing (i) CM-4481-CI-2025 in Cross Objection-152-2025 for delay of 853 days in filing the cross objections; and (ii) CM-4483-CI-2025 in Cross Objection-153-2025 for 792 days in filing the cross-objections have been filed.

[5] At the outset, learned Senior Counsel representing the respondent(s)-landowner(s) does not press the aforesaid

delay applications any further as apparently, there is no delay on the part of respondent(s)-landowner(s) in filing of the cross-objections as till day neither the present appeals have been admitted for final hearing nor any such notice has been served upon the respondent(s)-landowner(s).

[6] In view of the above, both the aforesaid delay applications in cross-objections are dismissed as not pressed.

FACTS

[7] Briefly stating, certain land owned by the respondent(s)-landowner(s) forming part of the revenue estate of Village Kanganpur, District Sirsa came to be acquired vide Notifications dated 21.01.2009 and 19.01.2010 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose, namely, *“Integrated Infrastructure Development Centre, Sirsa for providing industrial plots and sheds to small scale industries with modern infrastructural facilities”*; followed by an Award dated 18.01.2012 passed by the Land Acquisition Collector (for short “LAC”) whereby the market value was assessed at the rate of Rs. 50 lakhs per acre besides grant of other statutory benefits under the 1894 Act.

[7.1] Though, the respondents-landowners did not prefer reference under Section 18 of the 1894 Act, however, the other similarly placed landowners, pertaining to the same acquisition, invoked Section 18 of the 1894 Act and their references were

decided vide award dated 09.12.2016 (Ex. P-1) enhancing the market value to the tune of Rs.87,12,000/- per acre.

[7.2] Still aggrieved, those landowners approached this Court having preferred Regular First Appeals (RFAs). During pendency of those RFAs, the respondents-landowners invoked Section 28-A of the 1894 Act by moving an application dated 29.05.2018 before the LAC while relying upon the Award dated 09.12.2016 passed by the learned Reference Court in case of other similarly placed landowners and thus prayed for grant of the benefit of similar enhanced market value to the tune of Rs. 87,12,000/- per acre. The application preferred under Section 28-A of the 1894 Act by the respondents-landowners was dismissed by the LAC vide order dated 04.07.2018 (Ex. P-2) holding it to be barred by limitation.

[7.3] Aggrieved thereof, the respondents-landowners invoked Section 28-A (3) of the 1894 Act which was allowed by the learned Reference Court vide award dated 19.04.2023 by granting the benefit of similar market value to the tune of Rs. 87,12,000/- per acre in favour of the respondents-landowners alongwith all other statutory benefits under the 1894 Act.

[7.4] Dissatisfied with the above award, the appellant-State has preferred the present appeals wherein the cross-objections have been filed at the instance of respondents-landowners for seeking further enhancement of compensation,

while relying upon the determination made by this Court in ***Mohinder Kaur's case (supra)*** vide which the similarly placed landowners pertaining to the same acquisition have been awarded the benefit of market value to the tune of Rs. 3,16,18,720/- per acre.

CONTENTION(S):

ON BEHALF OF APPELLANT(S)-HSI IDC

[8] Learned counsel appearing on behalf of the appellant(s)-HSI IDC submits that the learned Reference Court's award in case of the other similarly placed landowners pertaining to the same acquisition proceedings was passed on 09.12.2016 and as such, in terms of Section 28-A of the 1894 Act, the respondents-landowners were required to move an appropriate application within ninety (90) days thereof, after deducting the time period required for obtaining its certified copy. He contends that the respondents-landowners in the present case filed their application under Section 28-A of the 1894 Act on 09.12.2017 which was clearly barred by limitation and thus, the learned Reference Court erred having accepted the petition preferred by them in terms of Section 28-A (3) of the 1894 Act; as such, it was prayed that the award dated 19.04.2023 passed in their favour was liable to be set aside. He thus submits that the present appeals were liable to be accepted.

ON BEHALF OF THE RESPONDENT(S)-
LANDOWNER(S)

[9] On the other hand, learned Senior Counsel representing the respondents-landowners/cross-objectors submits that in view of the law laid by the Hon'ble Apex Court in case of **Bharatsing S/o Gulabsingh Jakhad & Ors. Vs. State of Maharashtra & Ors.,** reported as **"2018(11) SCC 92"**, once the Regular First Appeals against the Reference Court's award dated 09.12.2016 were pending consideration before this Court, the LAC was required to wait for the final outcome of those appeals instead of taking a final decision on the application filed under Section 28-A of the 1894 Act by the respondents-landowners.

[9.1] Learned Senior Counsel also submits that in terms of the latest exposition of law by the Hon'ble Apex Court in case of **"Banwari and others Versus Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another"** reported as **"2025(1) RCR (Civil) 232"**, the respondents-landowners were also entitled for invoking the provisions of Section 28-A of the 1894 Act on the basis of adjudication made by this Court in the RFAs preferred at the instance of other similarly placed landowners pertaining to the same acquisition proceedings and thus, the respondents-landowners in the case in hand were in any case entitled for

award of the enhanced compensation in terms of ***Mohinder Kaur's case (supra)***.

[10] I have heard learned counsel for the parties and gone through the paper-book/record.

[11] On the point of determination of quantum of compensation towards the present acquisition proceedings which commenced vide notification dated 21.01.2009 issued under Section 4 of the 1894 Act, learned counsels for the parties are *ad idem* that this Court in ***Mohinder Kaur's case (supra)*** has enhanced / re-assessed the same to the tune of Rs. 3,16,18,720/- per acre besides award of other statutory benefits in favour of the landowners.

[12] Further, this Court vide decision dated **14.01.2026** passed in ***CWP No. 29791 of 2025***, titled ***"Prem Kumar and others Versus State of Punjab and others"***, cited as **2026 NCPHHC 3756**, under similar circumstances, made the relevant observations in para-10 as under:-

*"[10] As such, in view of the aforesaid facts and circumstances and the exposition of law by the Hon'ble Supreme Court in cases of **Bharatsing (supra)** as well as **Banwari and others (supra)**, once the petitioners-landowners was entitled to make application under Section 28-A of the Act on the basis of determination made by this Court in the pending Regular First Appeals, their pending claim qua re-determination of compensation was not to be declined while rejecting their application filed under Section 28-A of the Act*

being time barred, especially in view of the fact that the learned Reference Court in case of some different landowners pertaining to this very acquisition even passed fresh/separate award dated 04.11.2024, which was much after the filing of application dated 01.11.2019 under Section 28-A of the Act by the petitioners. At this stage, it may be relevant to take note of Section 28-A of the Act, which is re-produced hereunder:-

“ **Section 28-A. Re-determination of the amount of compensation on the basis of the award of the Court [Inserted by Act 68 of 1984, Section 19 (w.e.f. 24.9.1984).]**

- (1) *Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court:*

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

- (2) *The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.*
- (3) *Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, required that the matter be*

referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.

Furthermore, the fact that the Regular First Appeals preferred at the instance of few other landowners are still pending adjudication.”

[13] In the present case as well, a bunch of seven RFAs, lead case of which was ***Mohinder Kaur's (supra)*** pertaining to the same acquisition proceedings were decided by this Court on 08.12.2025 and as such, the respondents-landowners are to be held entitled for invoking Section 28-A of the 1894 Act within 90 days therefrom in terms of law laid down by the Hon'ble Apex Court in case of ***Banwari and others (supra)***.

[14] Thus, in the given facts, once, the respondents-landowners have preferred cross-objections before this Court in the present appeals filed at the instance of appellants-HSIIDC within 90 days from the determination made by this Court on 08.12.2025; rather than directing the respondents-landowners to approach the LAC again for invoking the provisions of Section 28-A of the 1894 Act, in the humble opinion of this Court, it would be more appropriate and just to award the benefit of similar market value to the respondents-landowners herein as assessed in favour of the other identically placed landowners pertaining to the same acquisition proceedings. The aforesaid is essential for avoiding any further prejudice to the respondents-landowners

towards their rights and entitlement of just and fair compensation, besides it may also help the appellants to reduce the liability of statutory interest amount on the State Exchequer.

[15] At this stage, it may also be noticed here that since the cross-objections have been filed at the instance of respondents-landowners within ninety days from the date of determination by this Court, they shall be entitled for all statutory benefits including interest as well, especially the interest on solatium also under the provisions of the 1894 Act.

[16] Both the appeals as well as cross-objections are **disposed off** accordingly.

[17] Pending miscellaneous application(s) shall stand(s) disposed off.

March 13, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No