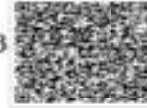


2026:PHHC:073543



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

RFA-3650-2019 (O&M)
Date of decision:-11.05.2026

Rajinder SinghAppellant.

vs.

State of Haryana and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Maninee, Advocate for
Mr. Sandeep Sharma, Advocate,
for the appellant(s) (in RFA-3650 of 2019 and RFA-3877-2016).

Mr. Kanwar Harjinder Singh, Advocate
for the appellant (in RFA-2767-2016).

Mr. Rajiv Sharma (Hissarwale), Advocate with
Mr. Vinayak Atre, Advocate,
for the appellant (in RFA-5296-2017).

Mr. Aashish Chopra, Senior Advocate with
Ms. Nitika Sharma, Advocate,
for the appellant (in RFA-1340 & 1341-2017).

Mr. Nishant, Advocate for Mr. Amit Choudhary, Advocate,
for the appellant.

Mr. Jayant Yadav, Advocate for the appellant
(in RFA-115-2025).

Mr. Amandeep Rana, Advocate
for the appellant (in RFA-1018-2022) (thr. V.C.).

Mr. Amit Jain, Advocate for the appellant
(in RFA-2768 and 2858-2016).

Mr. Sachin Mittal, Advocate and Mr. Arnav Mittal, Advocate,
for the appellant (in RFA-1812-2016).

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-838-CI-2024 in RFA-276-2024
CM-2346-CI-2022 in RFA-1007-2022
CM-349-CI-2025 in RFA-115-2025

1. Prayer in the aforementioned applications is for condonation of delay of 591, 1521 and 3267 days in filing the respective appeals.
2. Despite notice, no reply has been filed on behalf of the respondents, however, learned State counsel vehemently opposes the prayer made in the applications.
3. Having heard learned counsel for the parties and keeping in view the averments made in the applications, the delay of 591, 1521 and 3267 days in filing the respective appeals is condoned in view of the judgment of the Hon'ble Apex Court in ***Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599*** and the latest exposition of law laid down in ***"Mohar Singh (Dead) thr. LRs and ors. vs. State of Uttar Pradesh Collector and ors."*** reported as ***2023 INSC 1019***, whereby, delay of 12 years and 353 days was condoned to accord parity between similarly placed landowners albeit no interest was awarded for delayed period. The relevant portion thereof is extracted hereunder:-

"12. Having heard learned Senior Counsel for the parties and on perusal of the material placed on record, we are satisfied that the appellants are entitled to seek parity with their co-villagers in the grant of compensation for their acquired land. This Court has consistently held in a catena of decisions that the inordinate delay in filing appeal in compensatory matters, per se, may not be fatal as the rights and equities between the parties can be well balanced by denying the statutory benefits, such as interest for the delayed period. We are thus of the considered opinion that the delay in filing the first appeal(s) could be condoned subject to the condition that the appellants would

not be entitled to enure undue benefit for the delayed period. We grant such indulgence in the appellant's favour also for the reason that a batch of first appeals at the instance of other land owners was still pending consideration before the High Court. All that the High Court ought to have emphatically denied to the late-comers was the benefit of interest including on the solatium, under Section 34 of the Act for the period from the date of passing of the award by the Reference Court till the filing of the first appeals."

4. In view of the above, the aforementioned applications stand disposed of.

Main case(s)

1. Vide this common judgment, a batch of total 15 connected Regular First Appeals are being decided as all have arisen out of the same award. The details of the connected cases are mentioned in the footnote of this judgment.

1.2 For convenience, the facts are being taken from **RFA-3650-2019 (O&M)**.

2. By way of present appeal(s), challenge has been laid to an Award dated 05.08.2019 passed by the learned Additional District Judge, Gurugram (for short, "***the Reference Court***"), whereby, reference petition preferred at the instance of appellant(s)/landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "***1894 Act***"), was partly allowed.

3. Brief facts of the case are that some land owned by the appellant(s)/landowner(s), situated in the revenue estate of Village Badshahpur, District Gurugram, was acquired vide notifications dated 03.09.2010 and 04.05.2011, issued under Sections 4 & 6 respectively of the

utilization of land for Sector road between Sector 66, 67 at Gurugram”.

The Land Acquisition Collector (for short, “**the LAC**”) vide its Award dated 27.01.2012 assessed the market value of the acquired land @ Rs.60,00,000/- per acre besides granting other statutory benefits under the 1894 Act.

4. Feeling dissatisfied with the award passed by the LAC, the appellant(s)-landowner(s) preferred reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its award dated 05.08.2019, partly allowed the reference petition while re-assessing the market value @ Rs.4,23,98,904/- per acre along with granting other statutory benefits under the 1894 Act.

5. Aggrieved of the aforesaid award passed by the learned Reference Court, the appellant(s)-landowner(s) preferred the present appeal(s), details of the same are mentioned in the footnote of this judgment.

CONTENTION(S):-

ON BEHALF OF THE APPELLANT(S)-LANDOWNER(S):-

6. Impugning the aforementioned award, learned counsel for the appellant(s)-landowner(s) submits that in the given facts and circumstances wherein the land in question was acquired for the public purpose namely, *“for the development and utilization of land for Sector road between 66, 67 at Gurugram”* and was located in the National Capital Region territory, an appreciation @ 15% on cumulative basis was required to be applied on the determination made in terms of the previous notification dated 25.11.2008, vide which, land belonging to the same revenue estate of Village Badshahpur, District Gurugram was acquired. Learned counsel thus, submits

that the market value of the acquired land needs to be re-assessed and enhanced in favour of the appellants-landowners and the appeal(s) preferred at their instance were to be allowed.

ON BEHALF OF RESPONDENT(S)-STATE

7. On the other hand, learned State counsel points out that no evidence was led by the appellant(s)-landowner(s) to establish any kind of increase towards price of land belonging to the revenue estate of village Badshahpur, District Gurugram from the date of previous notification i.e. 25.11.2008 upto the latest notification dated 03.09.2010 issued under Section 4 of the 1894 Act in the case(s) in hand and as such, the award passed by the learned Reference Court being based on proper appreciation of evidence and thus, calls for no interference. He thus prays that the appeal(s) preferred at the instance of appellant(s)-landowner(s) were liable to be dismissed.

DISCUSSION AND REASONING:-

8. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellant(s)-landowner(s).

9. In the facts and circumstances of the present case(s), the learned Reference Court placed reliance upon the market value determined in respect of land forming part of the revenue estate of Village Badshahpur, District Gurugram, which was acquired under a prior notification under Section 4 of the 1894 Act dated 25.11.2008, and in respect whereof, this Court, vide its decision dated 04.12.2019 in ***RFA No. 9281 of 2014*** titled ***Shivraj and others v. State of Haryana and others***, upheld the market value

at Rs. 3.5 crore per acre (hereinafter referred to as '***the previous acquisition***'). Applying appreciation at the rate of 12% per annum (simple) to account for the time gap of 1 year and 9 months between the previous notification dated 25.11.2008 and the present notification dated 03.09.2010 issued under Section 4 of the 1894 Act, the learned Reference Court assessed the market value of the acquired land at Rs. 4,23,98,904/- per acre in the case(s) in hand.

10. From the perusal of record, it is evident that the acquired land formed part of the revenue estate of Village Badshahpur, District Gurugram, which is a rapidly developing metropolitan city situated in close proximity of the National Capital Region. Furthermore, the purpose of the acquisition in the present case(s) was the development and utilization of land for a Sector Road between the existing Sectors 66 and 67 at Gurugram. It is pertinent to note that the land belonging to the same revenue estate of Village Badshahpur was previously acquired for various public purposes, including:

(i) the utilization of Sector roads from Sectors 58 to 67, vide notification dated 28.06.2008 issued under Section 4 of the 1894 Act;

(ii) the development & utilization of 90 meters wide Southern Periphery Road alongwith 30 meters wide Green Belt on both sides from National Highway No.8 upto Sector 72, Gurgaon vide notification dated 25.11.2008 issued under Section 4 of the 1894 Act; (***previous acquisition***)

(iii) the development and utilization of land for commercial belt

along with Southern Peripheral Road in Sectors 62, 65 and 66 of Gurugram vide notification dated 12.12.2008 issued under Section 4 of the 1894 Act; etc.

10.1. The successive acquisitions for various developmental purposes within a short span of time, coupled with the rapid urbanization of District Gurugram, inevitably resulted in significant increase in the market value of land in the revenue estate of Village Badshahpur, including the land acquired in the present case(s). In such circumstances, in the humble opinion of this Court, the learned Reference Court was required to award appreciation @ 12% on cumulative basis for the time gap between the previous notification dated 25.11.2008 upto the present notification dated 03.09.2010 issued under Section 4 of the 1894 Act in the case(s) in hand.

10.2. Thus, applying appreciation at the rate of 12% per annum on a cumulative basis for the period from the date of the previous notification dated 25.11.2008 to the date of the present notification dated 03.09.2010 under Section 4 of the 1894 Act, upon the market value of Rs.3.5 crores per acre as determined by this Court vide decision dated 04.12.2019 in ***Shivraj's case*** (supra) in respect of the previous acquisition, the market value of the land acquired in the present case(s) comes to Rs. 4,27,28,000/- per acre.

11. Furthermore, in view of the fact that the land in the present case was acquired for the public purpose namely, “*for the development and utilization of land for Sector road between Sector 66, 67 at Gurugram*”, respondent-State did not suffer any loss of land or incurred any cost towards providing of additional infrastructural amenities, thus, no development cut was required to be applied.

12. Accordingly, the market value of the acquired land as on the date of notification under Section 4 of the 1894 Act is assessed @ **Rs. 4,27,28,000/- per acre.** In addition, the appellant(s)/landowners shall also be entitled for all other statutory benefits and interests as provided under the 1894 Act.

13. In view of the aforesaid discussion, the appeals filed at the instance of landowners are partly allowed. It is further clarified that where ever there had been delay in filing of appeal, the appellant(s)-landowner(s) shall not be entitled to interest for such period in their respective appeal(s).

14. Further, in case of unfortunate demise of any of the appellants-landowners, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing execution applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

15. Pending application, if any, also stands disposed of.

11.05.2026
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/no
Yes/no

Sr. No.	Case No.
1.	RFA-1007-2022 (O&M)
2.	RFA-1018-2022(O&M)
3.	RFA-1223-2023(O&M)
4.	RFA-276-2024(O&M)
5.	RFA-115-2025(O&M)
6.	RFA-2767-2016(O&M)
7.	RFA-1812-2016(O&M)
8.	RFA-2768-2016(O&M)

RFA-3650-2019 (O&M) and
other connected cases

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9.	RFA-2858-2016(O&M)
10.	RFA-3877-2016(O&M)
11.	RFA-1340-2017(O&M)
12.	RFA-1341-2017(O&M)
13.	RFA-5296-2017(O&M)
14.	RFA-5473-2017(O&M)

11.05.2026
sonika

(HARKESH MANUJA)
JUDGE