142 (18 cases)

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

**RFA No. 2821 of 2018 (O&M)
and "17" connected cases
Date of Decision: 21.01.2026**

Jai Hind and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Narender Yadav, Advocate;
Mr. Sanjay Vij, Advocate;
Mr. Ashok Tyagi, Advocate;
Mr. Lakshya Saini, Advocate for
Mr. Gurinder Pal Singh, Advocate;
Mr. Mohan Singh Rana, Advocate;
Mr. Aditya Jain, Advocate;
Ms. Sheenu Sura, Advocate;
Mr. Pankaj Yadav, Advocate;
Mr. Sandeep Sharma, Advocate;
Mr. Gaurav Aggarwal, Advocate
for the appellant(s)-landowner(s).

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondents / State of Haryana.

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HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present eighteen appeals bearing RFA Nos. 3228, 3836, 3837, 3838, 3947, 4552, 5241 & 5496 of 2017; RFA Nos. 71, 170, 331, 2245 & **2821 (lead case)** of 2018; 2537 of 2019; 551 & 926 of 2020; 991 of 2023; and 1242 of 2025, as the same arise out of common acquisition / award.

[2] All these appeals have been filed by the landowners, whereby they are seeking further enhancement of compensation for the acquired land. Since the common question of law and facts are involved in these appeals, therefore, for the sake of convenience, facts are being culled out from RFA No. 2821 of 2018.

[3] The appellants-landowners, by instituting the appeal bearing RFA-2821-2018, preferred under Section 54 of the Land Acquisition Act, 1894 **(for short "1894 Act")**, seek modification of the award dated 05.04.2017 passed by the learned Additional District Judge, Gurugram **(hereinafter to be referred as "Reference Court")**, while claiming enhancement of compensation amount.

[4] Briefly stating, certain land owned by the appellants situated within the revenue estate of **Village Dhorka, Tehsil and District Gurgaon**, came to be acquired vide notifications dated 12.06.2012 and 10.06.2013 issued under Sections 4 and 6 of the 1894 Act respectively, for the public purpose namely "for the development and utilization of land for 66KV and 220 KV Electric Sub Station Sites and other public utility purpose in Sectors 76-77-78 and Sectors 81 to 95 at Gurgaon". Vide Award No. 85, dated 31.07.2013, the Land Acquisition Collector, Gurgaon **(for short "LAC')** determined the value of the acquired land at the rate of Rs.1,10,00,000/- (One Crore Ten Lakhs only) per acre for all types of land.

[5] Aggrieved of the aforesaid Award dated 31.07.2013, landowners / interested persons filed reference under Section 18 of the 1894 Act, which were partly accepted vide decision dated 05.04.2017 by the learned Reference Court, whereby the market value of the entire land was assessed at the rate of Rs. 1,79,00,553/- per acre alongwith other statutory benefits. Dissatisfied with the aforesaid decision of the learned Reference Court, the present appeal(s) have been preferred at the instance of appellant(s)-landowner(s).

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

[7] A perusal of the record shows that the learned Reference Court while making assessment of market value @ Rs. 1,79,00,553/- per acre, relied upon an award dated 30.07.2014 (Exhibit P-6) passed by the then learned Reference Court with regard to acquisition in the same village-Dhorka, where the notification under Section 4 of the 1894 Act was issued on 11.02.2010, i.e. prior to the notification under Section 4 of the 1894 Act in the present case (i.e. 12.06.2012). Admittedly, vide award dated 30.07.2014 (Exhibit P-6), the then learned Reference Court determined the market value of the land in respect of same village to the tune of Rs. 1,39,87,202/- per acre. It may also be noticed here that the purpose of acquisition in both the acquisitions arising out of notifications dated 11.02.2010 and 12.06.2012 issued under Section 4 of the 1894 Act, has been the same i.e. "for the utilization of land for Sector Roads for Sectors 81 to Sector 95 in Gurgaon."

[8] Further, it is also not in dispute that the landowners, whose land was acquired vide notification dated 11.02.2010, preferred the Regular First Appeals, which were decided by this Court with lead case bearing ***RFA-5316-2014***, titled ***"Pushpender Kumar and others Versus State of Haryan and another"***, wherein the land was acquired out of as many as 13 revenue estates of different villages, including the present acquisition, i.e. Village Dhorka. In the aforesaid RFA, the landowners of Village-Dhorka were held entitled to receive the compensation for their acquired land at the uniform rate of Rs. 2,92,98,240/- per acre from the date of notification under Section 4 of the 1894 Act (i.e. 11.02.2010). Aggrieved thereof, the respondent(s)-State of Haryana preferred appeal(s) bearing ***Civil Appeal Nos. 11913-11945 of 2017***, titled ***"State of Haryana and another Versus Pushpendra Kumar and others"***, which were partly allowed, while deducting 15% towards development in the above determination made by this Court (i.e. Rs. 2,92,98,240/- per acre). Accordingly, the market value of the acquired land was assessed at the rate of Rs. 2,49,03,504/- per acre (Rs. 2,92,98,240–Rs. 43,94,736=Rs. 2,49,03,504/-).

Consequently, in the considered opinion of this Court, in the present case(s) where the land of Village Dhorka was acquired for the same very purpose, the appellant(s)-landowner(s) are also held for the similar compensation amount at the rate of Rs. 2,49,03,504/- per acre as granted in ***Pushpender Kumar's case (supra)***.

[9] Furthermore, since there is a time gap of two years and four months between the date of notification dated 11.02.2010 issued under Section 4 of the 1894 Act as per Award dated 30.07.2014 (Exhibit P-6) and the date of notification under Section 4 of the 1894 Act i.e. 12.06.2012 (in present case), an appreciation at the rate of 12% per annum needs to be applied over the market value of the land as assessed above, especially when the factum of land parcel forming part of the previous acquisition as well as the present acquisition falling in the revenue estate of Village Dhorka are adjacent to each other even as per the statement of Sh.

Kuldeep, Patwari, Office of LAC, Gurugram, who is present in person.

[9.1] The reliance is placed on decision rendered by Hon'ble Apex Court in case titled as ***"Ramrao Shankar Tapase Vs. Maharashtra Industrial Development Corporation and Ors." 2022(7) SCC 563*** whereby, it was held that 12% increase for 3 years would be just and reasonable. The relevant paragraph Nos.10 and 14 are extracted hereunder:-

> *"10. Looking to the fact that the sale deed produced at Ex. 41 with respect to the land bearing Survey No. 20/2 was with respect to the very village Bhoyar which was the only sale exemplar of the same village and other sale exemplars/sale deeds were with respect to another village Lohara and also with respect to small pieces of land, we are of the considered view that the High Court has rightly relied upon and considered the sale exemplar at Ex. 41 while determining the compensation in the present cases with respect to the lands of very village Bhoyar. However, at the same time, bearing in mind the decision of this Court in the case of Pehlad Ram (supra), by which this Court has observed and held that a cumulative increase of 10 to 15% per year in the market value of the land may be accepted, in the facts and circumstances of the case, we are of the opinion that instead of 10% cumulative increase as adopted by the High Court, if 12% cumulative increase would have been adopted, it would have been just and proper and in the fitness of things.*
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> *14. In the present case, as such, there is already a sale exemplar at Ex. 41 with respect to very village Bhoyar which as observed hereinabove can be said to be the best exemplar while determining the compensation with respect to the lands acquired of the same village Bhoyar. The High Court has rightly relied upon and considered the sale deed at Ex. 41 being land survey no. 20/2 and determined the market value at Rs.1,00,000/- per hectare in the year 1992 and has rightly determined the compensation relying upon the sale exemplar produced at Ex. 41. However, at the same time, as observed hereinabove, instead of 10% cumulative increase, the High*

> *Court ought to have added 12% increase cumulatively for about three years. To that extent, the impugned common judgment and order passed by the High Court is required to be modified and the appeals preferred by the original claimants are required to be partly allowed to the aforesaid extent. Thus, the market value of the acquired land would be Rs. 1,40,492/- per hectare and after rounding off, it will become Rs.1,50,000/- per hectare. Further adding 50% towards the nonagricultural potentiality, the fair market value for determining the compensation would be Rs. 2,25,000/- per hectare in the cases where the High Court has determined and awarded the compensation at Rs. 2,00,000/- per hectare. There shall be corresponding reduction in the compensation with respect to other lands as made by the High Court looking to the location of the lands. Thus, wherever the High Court has determined the compensation at Rs.1,80,000/- per hectare, it will come to Rs. 2,00,000/- per hectare and wherever the High Court has determined the compensation at Rs. 1,50,000/- per hectare, it will come to Rs. 1,75,000/- per hectare. The appeals preferred by the claimants are required to be partly allowed to the aforesaid extent."*

[10] Accordingly, the market value of the acquired land as on the date of notification dated 12.06.2012 under Section 4 of the 1894 Act, comes to Rs. 3,18,76,485/- per acre (round off) [(Rs. 2,49,03,504 x 12/100 x 28/12 = Rs. 69,72,981.12) Rs. 2,49,03,504 + Rs. 69,72,981.12 = Rs. 3,18,76,485.12].

[11] In view of the aforesaid discussion, impugned award dated 05.04.2017 passed by the learned Reference Court is modified and the appellants-landowners are held entitled for award of market value at the **rate of Rs. 3,18,76,485/- per acre**. The appellant(s)-landowner(s) are also awarded consequential / statutory benefits and interest as provided in the 1894 Act (as amended up-to-date), especially the interest on solatium as well.

[12] It is further added that the appellant(s)-landowner(s) shall not be entitled to interest for the period of delay in filing / re-filing the appeal(s) as the case may be.

[13] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

[14] All the appeals are **disposed off** accordingly.

[15] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

January 21, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

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