IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. RFA No.4150 of 2018 (O&M)
Date of Decision: 23.01.2026

JAGDISH KUMAR AND ORS. ......Appellants
Vs
STATE OF HARYANA AND ANR. ...Respondent(s)

2. RFA No.4149 of 2018 (O&M)

ARVIND ......Appellant
Vs
STATE OF HARYANA AND ANR. ...Respondent(s)

3. RFA No.4148 of 2018 (O&M)

KRISHAN DUTT (DECEASED) TH. HIS LRS. ......Appellants
Vs
STATE OF HARYANA AND ANR. ...Respondent(s)

4. RFA No.2982 of 2018 (O&M)

POWER GRID CORPORATION OF INDIA ......Appellant
Vs
ARVIND AND ANR. ...Respondent(s)

5. RFA No.2983 of 2018 (O&M)

POWER GRID CORPORATION OF INDIA ......Appellant
Vs
JAGDISH KUMAR AND ORS. ...Respondent(s)

6. RFA No.2984 of 2009 (O&M)

POWER GRID CORPORATION OF INDIA ......Appellant
Vs
KRISHAN DUTT (DECEASED) TH. HIS LRS. AND ANR. ...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Shoaib Khan, Advocate with
Mr. Prateek Sharma, Advocate
for the appellants/landowners.

Mr. Anuj Garg, D.A.G., Haryana.

Mr. Pravindra Singh Chauhan, Sr. Advocate with
Mr. Jai Kumar Chauhan, Advocate
Mr. Abhay Pratap Singh, Advocate
for respondent No.2 (Power Grid Corporation of India).

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HARKESH MANUJA, J. (Oral)

CM No.3138-CI of 2025 in RFA No.4150 of 2018

Prayer made in this application filed under Order 41 Rule 27 read with Section 151 CPC for additional evidence by way of placing on record the accompanying annexures.

Notice of the application was issued on 30.10.2025, however no reply has been filed.

Upon hearing learned counsel for the parties and for the reasons mentioned in the application, the same is allowed. Accompanying documents are decisions rendered by this Court as well as judgment passed by the Hon'ble Apex Court, the same being relevant to the case in hand are taken on record as additional evidence.

Main Appeal(s)

[1]. Vide this common order, the aforementioned appeal are being decided as the same have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.4150 of 2018.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 09.04.2018 passed by the learned Addl. District Judge, Panchkula (hereinafter to be referred as the 'Reference Court').

[3]. Briefly stating, in the present case(s), some land owned by the appellants/landowners situated within the revenue estate of village Naggal, Hadbast No.238, Tehsil and District Panchkula, came to be acquired vide Notification dated 28.08.2008 issued under Sections 4 of the Land Acquisition Act, 1894 (for short the '1894 Act') for the public purpose namely for construction of

400/200 KV Power Sub-Station, Panchkula. Notification under Section 6 of the 1894 Act was issued on 28.08.2008. An Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 24.04.2009, thereby determining the market value of the acquired land @ Rs.16,00,000/- per acre.

[4]. Dis-satisfied with the Award passed by the learned Reference Court, the appellant(s)-landowner(s) invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 09.04.2018, while granting them enhanced compensation @ Rs.851/- per square yard (i.e. Rs.41,18,840/- per acre) *qua* the acquired land besides awarding all other statutory benefits/interest in their favour under the 1894 Act.

Aggrieved thereof, the present appeals were preferred at the instance of landowners as well as respondent No.2/Power Grid Corporation of India i.e. the beneficiary.

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that learned Reference Court rightly placed reliance upon the Award dated 31.01.2017 (Ex.PX/1) passed in LAC No.1705 of 2013 titled 'Dhani Ram Vs. State of Haryana and another" which pertained to the same revenue estate of village Naggal, District Panchkula and related to the Notification dated 15.12.2008 vide which market value was assessed @ Rs.851/- per square yard.

[5.1]. Learned counsel further submits that since the determination dated 31.01.2017 passed in LAC No.1705 of 2013 was further re-assessed @ Rs.54,50,000/- per acre along with all other statutory benefits by this Court in RFA No.4676 of 2017 vide its decision dated 24.11.2021 which was even upheld by the

Hon'ble Apex Court vide order dated 05.12.2024 passed in Special Leave to Appeal (C) No(s). 5404/2022, the appellants/landowners in the instant appeal(s) were entitled for the award of similar benefit and as such the Award passed by the learned Reference Court was liable to be modified accordingly.

[6]. On the other hand, learned Senior counsel representing respondent No.2 submits that the learned Reference Court went wrong having placed reliance upon the Award dated 31.01.2017 (Ex.PX/1) as the same was based on the appreciation of evidence produced in the said LAC No.1705 of 2013 in the form of sale deeds which pertained to the revenue estate of village Khangesra and not Naggal. He also submits that the revenue estate of village Khangesra was around 300 acres away from the land under the present acquisition.

[6.1]. Learned Senior counsel further submits that since there was a difference of around 3½ months between the present notification issued under Section 4 of the 1894 Act in the case in hand on 28.08.2008 and the later acquisition initiated vide notification dated 15.12.2008, therefore, the learned Reference Court could not have relied upon the determination of market value made qua the subsequent notification. He also points out that in case any such reliance was to be placed, a suitable deduction was required to be applied.

[6.2]. Learned Senior counsel further submits that while passing the impugned Award, learned Reference Court even went wrong having discarded the sale instances Ex.RA to Ex.RE produced by the respondent, as per which the value of the acquired land was ranging between Rs.9 lakhs to Rs.13 lakhs per acre and, thus no reliance was required to be placed upon the Award dated 31.01.2017 (Ex.PX/1) especially when the Land Acquisition Collector had already assessed the market value of the acquired land @ Rs.16 lakhs per acre in favour of the appellants/landowners. Learned Senior counsel, thus submits that the impugned Award passed by the learned Reference Court was liable to be set aside and the appeals filed by respondent No.2 were to be allowed.

[7]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s).

[8]. At the outset, it may be noticed here that for the assistance of this Court, a site plan has been produced by respondent No.2, so as to reflect the comparative location of the two land parcels acquired vide separate notifications dated 15.12.2008 and 28.08.2008 pertaining to the revenue estate of village Naggal. A copy thereof has been handed over to learned counsel for the appellants/landowners, who does not dispute its veracity, the same is, thus taken on record as Mark 'X' duly signed by the respective counsels. The same would also help the Court to arrive at just and fair conclusion with respect to the market value of the acquired land.

[9]. Before proceeding further the details of the sale instances produced and proved on record by respondent No.2 are extracted hereunder:-

Exhibit	Sale deed No.& Date of Execution	Area	Amount	Price per acre	Revenue Estate
Ex.RA	99/20.05.2008	2K-0M	Rs.3,25,000/-	Rs.13,00,000/-	Naggal
Ex.RB	588/04.11.2008	14K-3M	Rs.15,00,000/-	Rs.8,48,000/-	Naggal
Ex.RC	493/18.10.2017	2K-10M	Rs.3,75,000/-	Rs.12,00,000/-	Naggal
Ex.RD	489/18.10.2007	1K-0M	Rs.1,50,000/-	Rs.12,00,000/-	Naggal
Ex.RE	624/13.12.2007	12K-0M	Rs.18,00,000/-	Rs.12,00,000/-	Naggal

[10]. As per the aforementioned sale deeds, the sale price per acre was ranging from between Rs.9 lakhs to Rs.13 lakhs between October 2007 to

November 2008, however the same could not be treated to be *bona fide* or genuine sale transactions thus not reflecting the representative market price of the land forming part of the revenue estate of village Naggal at the relevant point in time; more particularly when the Land Acquisition Collector vide its Award dated 24.04.2009, awarded the market value of the acquired land in question @ Rs.16,00,000/- per acre while placing reliance upon the assessment made by the Evaluation Committee constituted under the Chairpersonship of Commissioner, Ambala which acted after examining and taking into account the sale deeds pertaining to the revenue estate of village Naggal for the relevant period in time. The relevant paragraph of the said Award is extracted hereunder:-

> *"It will be seen that the landowners have adduced all the sale deeds pertaining to the revenue estates other than village Naggal, the land of which is being acquired in the present case. They have failed to adduce even a single sale deed of village Naggal, as such the sale deeds produced by then are observed to be not-helpful to them and are filed. The representative of the acquiring department has urged to award some lesser market value of the land out of which earth has been dug and taken away. These days, the rates by the Evaluation Committee are approved as flat for the compact block and as such in view of the above, his objection is not accepted and rejected. The rates of land prevailing on the material date were called from the District Collector, Panchkula, who, in turn, has informed vide his office memo No.1669/DRA, dated 30.10.2008 (placed on vernacular file) that the Evaluation Committee constituted under the Chairpersonship of Commissioner, Ambala has approved a flat rate of Rs.16,00,000/- per acre for the land notified to be acquired in the instant case. This rate is observed to be quite fair, reasonable ànd justified in consideration of general market value of the agricultural land prevailing in this revenue estate as per sale deeds appeared in the mutation register maintained by the local revenue Patwari. Keeping in view all the major factors necessary for the determination of the market value as laid down u/s 23(1) of the Land Acquisition Act, 1894, I am of the considered view that*

the rate of Rs. 16,00,000/- per acre as approved by the Committee are quite fair and reasonable for the assessment of the market value of the land in question and thus, I do accordingly. The market value of the land may be worked out accordingly."

[11]. Further in the humble opinion of this Court, no merit can be found in the submission made on behalf of respondent No.2 that the Award dated 31.01.2017 (Ex.PX/1) was required to be discarded for the reason that the later acquisition involved different other revenue estates including village Naggal and the re-determination of market value therein was done while relying upon sale instances pertaining to the revenue estate of village Khangesra. Once the determination vide Award dated 31.01.2017 (Ex.PX/1) was made by the learned Reference Court, pertaining to the notification dated 15.12.2008 related to the revenue estate of village Naggal as well, there was no need for this Court to travel behind the adjudication already made in RFA No.4676 of 2017 decided on 24.11.2011 as in the present appeal, this Court was not acting as an Appellate Court-Authority thus, having no jurisdiction to look into the reasoning recorded in the judgments dated 24.11.2011 passed in RFA No.4676 of 2017 and also the decision dated 05.12.2024 of the Hon'ble Apex Court which admittedly and undoubtedly also related to the determination made for the revenue estate of village Naggal.

[12]. Moreover, on perusal of site plan produced by respondent No.2 which has been taken on record as Mark 'X', clearly shows that both parcels of land acquired vide two notifications dated 15.12.2008 and 28.08.2008 belonging to the revenue estate of village Naggal are situated in close vicinity; at a distance of around 18 to 20 acres (Killas). Both the parcels abut the Yamuna Nagar-Barwala-Panchkula Highway (National Highway No.73). Further, the fact that the acquired

land forming part of the revenue estate of village Naggal abuts NH-73 was even proved on record from the Aks Shijra (village Plan) produced on record as Ex.P39 by Narinder Singh, Halqa Patwari, Barwala, who appeared as PW-6. Even otherwise, RW-1 Mahinder Singh, Chief Manager, Power Grid Corporation of India Ltd., Northern Regision-II, Panchkula, also admitted in his cross-examination that the acquired land abuts NH-73 and was a compact block. In such circumstances, once there was complete locational and potential similarity between the two parcels acquired vide separate notifications dated 28.08.2008 and 15.12.2008 issued under Section 4 of the 1894 Act, there was no illegality committed by the learned Reference Court having relied upon the Award dated 31.01.2017 (Ex.PX/1) which pertained to the determination of market value regarding notification dated 15.12.2008.

[13]. In view of aforesaid findings, there being similarity of locational and potential advantage as well as geographical proximity between the two parcels, in the humble opinion of this Court, there is no need apply even the doctrine of de-escalation merely for the difference of around 3½ months period between the two notification. Thus, in view of above, once it has been found that the learned Reference Court rightly relied upon the Award dated 31.01.2017 (Ex.PX/1) relating to the acquisition which commenced vide notification dated 15.12.2008, the appellants-landowners are entitled to be awarded the benefit of enhancement made by this Court vide its decision dated 24.11.2021 passed in RFA No.4676 of 2017 to the tune of Rs.54,50,000/- per acre, which already stands affirmed by the Hon'ble Apex Court vide its order dated 05.12.2024 passed in Special Leave to Appeal (C) No(s). 5404/2022, especially when it also relates to the same revenue estate of village Naggal, District Panchkula.

[14]. Consequently, the appeals preferred at the instance of the appellants/landowners are partly allowed in terms of the decision dated 24.11.2021 passed in RFA No.4676 of 2017 and the appellants/landowners are held entitled for similar amount of market value @ Rs.54,50,000/- per acre along with all statutory benefits and interest available under the amended provisions of Land Acquisition Act, 1894 as applicable to the present acquisition, including the interest on solatium as well, and the appeals filed by respondent No.2/Power Grid Corporation of India are dismissed.

[15]. All pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

January 23, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No