105 (2 cases)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(1) **RA-CW No. 526 of 2025 (O&M) in**
CWP No. 11505 of 2018
Date of Decision: 23.03.2026

Smt. Veena Rani and others

.... Petitioners

Versus

Competent Authority, NH-2-cum-Land Acquisition Officer, Urban Estate, Faridabad and others

.... Respondents

AND

(2) **RA-CW No. 527 of 2025 (O&M) in**
CWP No. 11501 of 2018

Rita Kalra

.... Petitioner

Versus

Competent Authority, NH-2-cum-Land Acquisition Officer, Urban Estate, Faridabad and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chetan Mittal, Senior Advocate, assisted by
Mr. Mayank Aggarwal, Advocate
for the review applicants-respondent Nos. 2 & 3-NHAI.

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HARKESH MANUJA, J. (ORAL)

CM-412-CWP-2026 in RA-CW-526-2025 in CWP-11505-2018; and CM-411-CWP-2026 in RA-CW-527-2025 in CWP-11501-2018

Applications for placing on record various sale deeds and collector rate for the year 2009-10 as Annexures R-2/8 to R-2/20 and exemptions from filing the certified copies thereof are **allowed** subject to all just exceptions. The aforesaid annexures are taken on record.

Registry to do the needful.

MAIN REVIEW(S)

This order shall decide the present two review applications bearing (i) RA-CW No. 526 of 2025 in CWP No. 11505 of 2018; and (ii) RA-CW No. 527 of 2025 in CWP No. 11501 of 2018, preferred at the instance of applicant(s)-respondent(s)-NHAI; as the same arise out of common issues / proceedings.

[2] The applicant(s)-respondent(s)-NHAI, by way of present review applications, seek(s) reviewing / recalling of the order dated 15.07.2025 passed in the main writ petition(s).

[3] In the present case, some land owned by the non-applicant(s) / petitioner(s) forming part of the revenue estate of Village Agwanpur, Tehsil Palwal, District Palwal, was acquired vide notification dated 26.11.2009 issued under Section 3A of the National Highways act, 1956 **(hereinafter referred to as "1956 Act")**; followed by another notification dated 19.10.2010 issued under Section 3-D thereof. An award was passed by the Competent Authority-cum-Land Acquisition Officer **(for short "CALA")** on 16.04.2013 under Section 3G(1) of 1956 Act, thereby making assessment of market value to the following effect:-

> *" I have made necessary enquiries and have also examined the relevant record of sale. The District Collector of Palwal has supplied the market rates for acquisition purposes in following manners vide letter no. 1449-56/DRA dt. 27.01.2011 & Letter No. 2663-69/DRA dt. 18.08.2011. Rate fixed by committee in following order – For Agricultural Rs. 1,30,00,000/- per acre and land utilised for residential purpose Rs. 10,000/- per sq. meter; industrial/institutional land rate Rs. 5,000/- per sq. meter and land rate for commercial purpose Rs. 20,000/- per sq. meter. Keeping in view the location of the land and all other factors which are*

essential for the determination of the market value, I hereby adopt rate as fixed by division level rate Fixation Committee and supplied by Deputy Commissioner Palwal. After considering and appraisal of all the ingredient of the u/s 7 of NH Act, I award the land compensation rate under section 3G (1) with sub-section (2) as per below:-

Sr. No.	*Nature of Land*	*Rate Per Acre assessed with easement money. 3G (1) & (2)*	*Rate pr Sq. Meter (Rs/P)*
1	*Agricultural, Rasta, drain & Govt. Land, Barren land*	*₹ 1,30,00,000/-*	*₹ 3212/37*
2	*Residential*	*₹ 4,04,68,564/22*	*₹ 10,000/-*
3	*Industrial/Institutional*	*₹ 2,02,34,282/11*	*₹ 5000/-*
4	*Commercial*	*₹ 8,09,37,128/45*	*₹ 20,000/- ”*

[4] Raising grievance, the non-applicant(s)/petitioner(s)/landowners approached this Court having filed CWP No. 19931 of 2017 & CWP No. 19637 of 2017, while submitting that the benefit of solatium was not granted to the them. The said writ petition(s) were disposed of by this Court vide order dated 06.09.2017 along with bunch of writ petitions, lead case of which was ***CWP No. 17010 of 2017***, titled ***“Vinod Kumar Versus The State of Haryana and others”***; the relevant portion of the said decision dated 06.09.2017 is extracted hereunder:-

> *“ It is not disputed that the respondents authorities never questioned the order dated 14.12.2016, any further, and rather complied therewith. But, there has indeed been a turn of events, for, the parties to the lis in M/s Golden Iron & Steel Forging (supra) settled the dispute and the appeals filed by them were disposed of by the Supreme Court in terms of the settlement arrived at. Meaning thereby, not only that the judgment in M/s Golden Iron & Steel Forging (supra) is no longer under challenge, but had rather been accepted by the respondents.*

In conspectus of the above, the writ petitions are disposed of with a direction to the respective parties in this bunch of petitions, to resort to necessary measures in terms of clause (i) to (iv) set out in the order dated 14.12.2016, passed by the Division Bench in Joginder Singh and another (Supra). Needless to assert that the petitioners/landowners who are found entitled to relief being claimed, shall be disbursed the requisite amount on pronouncement of the supplementary award, but not later than two months after it is pronounced. Learned counsel for the parties apprised this Court that in few of the writ petitions, the claimants/landowners had even earlier approached this Court. Petitions filed by them to award solatium and interest were disposed of with a directions to consider their claims. And in compliance thereto they have even been disbursed the requisite amount in terms of Section 23(2) and 28 of the Act. And, now in the wake of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 they are claiming 100% solatium. Suffice it to say that this Court has not examined the claim of any of the petitioners on merits, for, the competent authority shall determine their entitlements/claims in accordance with law. However, if certain landowners are not held entitled to any relief the competent authority shall pass comprehensive orders assigning reasons in support thereof.

The writ petitions are accordingly disposed of."

[5] In terms of the aforesaid order dated 06.09.2017, the prayer made by the non-applicant(s)/petitioner(s)/landowners was considered, however, the claim was rejected by CALA by passing a speaking order dated 06.04.2018. The relevant part thereof is extracted hereunder:-

" In view of the facts and discussion above, I am of the considered view the award announced by the Competent

Authority was fully in accordance with law and the claim of the petitioners suffers from delay and latches as is also barred by limitation. The petitioners never opted remedy available to him under Section 3G(5) of National Highway Act, 1956. Hence, the application dated 04/10/2017 submitted by the petitioner is rejected being devoid of any merit in public interest. It is ordered accordingly.

Copy of this order be sent to the NHAI and the petitioner."

[6] Aggrieved of the aforesaid order dated 06.04.2018, the present writ petition(s) came to be filed which were allowed by this Court vide decision(s) dated 15.07.2025. The relevant paras-8 & 9 from the said order are extracted hereunder:-

" ***8.*** *A perusal of record shows that the District Revenue Officer- cum-Competent Authority, Faridabad i.e. respondent No.1 vide its supplementary award dated 21.07.2017 (Annexure P-5) awarded the benefit of solatium as well as statutory interest payable under Sections 23 & 28 of the Land Acquisition Act, 1894 (for brevity, "1894 Act") in favour of similarly situated land- owners whose land was acquired by the National Highway Authorities of India wherein the original award under Section 3G(5) of the 1956 Act was passed on 04.03.2008.*

9. *In view of the above, respondent No.1 cannot be permitted to act in a discriminatory manner while granting the benefit of solatium and statutory interest to the landowners in a selective manner, as such, the present petition is allowed. The order dated 06.04.2018 (Annexure -P-4) is hereby set aside and respondent No.1 is requested to pass a supplementary award in favour of petitioners with respect to solatium as well as statutory interest in terms of the provisions of the 1894 Act as well as in terms of the decision rendered by the Hon'ble Supreme Court in Civil Appeal*

> *No.7064-2019, titled as "Union of India vs. Tarsem Singh", decided on 19.09.2019 and judgment passed by this Court in LPA-4965-2018, titled as "National Highway Authority of India (NHAI) vs. Resham Singh and others", decided on 12.04.2023."*

[7] The aforesaid order dated 15.07.2025 was assailed at the hands of applicant(s)-NHAI in the intra-Court appeal(s) bearing LPA Nos. 2783 & 2785 of 2025, which were disposed of by the Hon'ble Division Bench vide order dated 29.10.2025 with liberty to the applicant(s)-NHAI to file a review in the writ petitions. The relevant paras-1 & 2 of the order dated 29.10.2025 are re-produced hereunder:-

> *"**1.** After arguing for some time, the Learned Senior Counsel for the appellants submits that while differentiating between certain land owners, the grant of benefit in whose favour was taken as a base for granting relief in favour of the respondent, the differentiating fact between such land owners could not be brought to the notice of the learned Single Judge, hence, both the appeals may kindly be disposed of having not been pressed any further with liberty to file a review before the learned Single Judge.*
>
> ***2.** Ordered accordingly."*

[8] Accordingly, the present review application(s) came to be preferred.

[9] Learned Senior Counsel appearing on behalf of the applicant(s)-NHAI submits that the award dated 16.04.2013 under Section 3G(5) of 1956 Act was passed by the CALA while taking into account all the relevant considerations, including the market value and the statutory benefits such as solatium. Learned Senior Counsel further points out that the determination was made by the CALA on the basis of report submitted by the Divisional Level Rate Fixation Committee. The relevant portion from the said award as relied upon by the learned counsel is extracted hereunder:-

> *"……Keeping in view the location of the land and all other factors which are essential for the determination of the market value, I hereby adopt rate as fixed by division level rate Fixation Committee and supplied by Deputy Commissioner Palwal. After considering and appraisal of all the ingredient of the u/s 7 of NH Act, I award the land compensation rate under section 3G (1) with sub-section (2) as per below:-*

Sr. No.	*Nature of Land*	*Rate Per Acre assessed with easement money. 3G (1) & (2)*	*Rate per Sq. Meter (Rs/P)*
1	*Agricultural, Rasta, drain & Govt. Land, Barren land*	*₹ 1,30,00,000/-*	*₹ 3212/37*
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4	*Commercial*	*₹ 8,09,37,128/45*	*₹ 20,000/- "*

[9.1] Learned Senior Counsel further points out that the Divisional Level Committee in its meeting held on 27.12.2010 clearly observed that since the benefit of solatium was not available to the landowners in respect of acquisitions undertaken under the 1956 Act; as such all these factors ought to be accounted for while assessing the market value. The relevant portion of the Divisional Level Rate Fixation Committee is extracted hereunder:-

> *" The Land Acquisition Officer informed that under NHAI Act there is no provision of payment of solatium and the*

amount u/s 23 (1) (a) which are payable under Land Acquisition Act. Hence while fixing the market rates this may be kept in view.

The land under acquisition falling in the villages as Annexure 'A' is located on the National Highway No. 2. The Collector rates and the average rates on the basis of sale transactions during last one year were also considered. It was observed by all the members that the collector rates and the average sale rates are less than the prevalent market rates. Moreover, taking into consideration the strategic location of the land being on the National Highway No. 2 the members observed that the market rates are much higher than the Collector rates and the average sale rates.

The minimum floor rates fixed by the State Government and notified vide notification No. 3212-R-3-2010/12140 were also kept in view while fixing the market rates. Had this land been acquired by the State Government, the benefit of rehabilitation, Solatium etc. would have accrued to the landowners but the NHAI Act, 1956 under which this land is being acquired does not give these benefits to the land owners."

[9.2] Further, learned Senior Counsel relies upon an award dated 18.04.2024 passed by the learned Arbitrator-cum-Deputy Commissioner, Palwal **(hereinafter referred to as "Arbitrator")** in an arbitration arising out of the same acquisition proceedings, wherein it was observed by the learned Arbitrator that the issue of solatium was factored in by the Divisional Level Rate Fixation Committee at the time of ascertaining the compensation amount. Relevant para-41 from the aforesaid award dated 18.04.2024 is extracted hereunder:-

> *" **41.** The petitioners have not claimed solatium in their pleadings and only during the course of arguments it was submitted that the petitioners are also entitled to solatium. Further, no rules/instructions/case law has been cited by the petitioners to buttress this claim. I find force in the submission made by the respondents that the issue of solatium was factored in by the DLC at the time of ascertaining the compensation amount."*

[9.3] Besides it, while referring to a chart of 12 sale deeds which were allegedly considered by the CALA as well as the Divisional Level Price Fixation Committee at the time of passing of the award, learned Senior Counsel for the applicant(s)-NHAI submits that the average of the sale price of the agriculture land derived from such sale deeds was Rs. 2,262/- per square meter as against the collector rate of Rs. 865/- per square meter, whereas the market value was assessed at the rate of Rs. 3,212/- per square meter which clearly demonstrates that an addition of 30% towards solatium was factored into the said valuation, over and above the base figure of Rs. 2,262/- per square meter.

[9.4] In view of the aforesaid submissions, learned Senior Counsel for the applicants submits that once, the factor of solatium was already taken into account by the CALA at the time of passing of the award, the petitioner(s)-landowner(s) were not entitled for grant of the said benefit again in terms of the directions issued by this Court vide order dated 15.07.2025 and as such, the same was liable to be reviewed/recalled.

[10] I have heard learned Senior Counsel for the applicant(s)-NHAI and gone through the paper-book. With all due respect to the submissions made on behalf of the applicant(s)-NHAI, I am unable to find any substance therein.

[11] At the outset, it may be noticed here that the plea regarding inclusion of the solatium component in the quantum of market value by the CALA was never raised or agitated by the applicant(s)-NHAI in the previous two rounds of writ petition(s) preferred at the instance of petitioner(s)-landowner(s). Even at the time of passing of speaking order dated 06.04.2018 by the CALA, no such plea was ever raised by them before it. As such, the same appears to be an afterthought, raised at this stage only to defeat the legitimate entitlements of the landowners and applicant(s)-NHAI is consequently estopped from raising the same.

[12] A perusal of the award dated 16.04.2013 passed by the CALA shows that the market value of the acquired land was assessed after considering and appraisal of the ingredients laid down under Section 3G(7) of the 1956 Act (wrongly mentioned as Section 7 of the NH Act). It is pertinent to mention that Section 3G(7) of 1956 Act nowhere refers to the factor of solatium to be awarded to the landowner(s). For reference, Sections 3G(7) of 1956 Act is extracted hereunder:-

> *" **Section 3G(7) of The National Highways Act, 1956***
>
> *(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—*
> *(a) the market value of the land on the date of publication of*

> *the notification under section 3A;*
> *(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;*
> *(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;*
> *(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change."*

[12.1] In such circumstances, since the CALA, at the time of passing the award, merely considered the factors enumerated under sub-section 3G(7) of the 1956 Act, it cannot be assumed or presumed in facts or in law that the element of solatium was ever factored into the determination of market value.

[13] Further, a conjoint reading of the report dated 27.12.2010 made by the Divisional Level Committee as well as the award passed by the CALA, nowhere expresses in unequivocal terms that the factor of solatium was ever taken into account at the time of determination of market value. It is true that the Divisional Level Committee in its proceedings dated 27.12.2010, took note of the statutory position that a landowner, whose land is acquired under the provisions of the 1956 Act, is not entitled to solatium; however, it carries no specific stipulation to the effect that while fixing the market value of the acquired land in question, an addition of 30% towards solatium was not to be made while assessing the market value.

[14] Importantly, in the humble opinion of this Court, the determination of market value of the acquired land is an issue that flows from the constitutional mandate enshrined under Article 300-A of the Constitution of India, thus the rights of the landowners cannot be adjudicated upon on the basis of mere implied inferences or presumptions unless notified expressly and definitely. In fact, any ambiguity in this regard must necessarily enure to the benefit of the landowners, whose right to property, though no longer fundamental, continues to enjoy constitutional protection against arbitrary deprivation.

[15] Moreover, while passing the award dated 16.04.2013, the CALA specifically recorded that the determination was made *"keeping in view the location of the land and all other factors which are essential for the determination of the market value."* Significantly, there is no reference whatsoever to the inclusion of any element of "solatium" in the said award. The contention raised by learned counsel for the applicant–NHAI, that since the average sale price derived from the sale deeds was Rs. 2,262/- per square meter and the market value was assessed at Rs. 3,212/- per square meter, the difference necessarily reflects the addition of solatium, is devoid of merit, as even upon adding 30% solatium, the value would only come to Rs. 2,940.6/- per square meter, thereby clearly indicating that the enhanced valuation cannot be attributed to the inclusion of solatium. In these circumstances, the mere fact that the market value determined by the CALA exceeds the average sale price reflected in the sale deeds relied upon by the Divisional Level Committee and the CALA does not, by itself, lead to the conclusion that such determination included the solatium component. It is well settled that, while determining the market value of acquired land, the authorities are not confined solely to the sale consideration reflected in comparable sale deeds, but are also required to take into account various other relevant factors such as the comparative location of the acquired land *vis-à-vis* the sale instances and even the potential value thereof are considered by the authorities.

[16] With respect to the determination/award dated 18.04.2024 passed by the learned Arbitrator, wherein it was observed that there was merit in the contention made on behalf of the applicant(s)-NHAI to the effect that the factor of solatium had been considered by the Divisional Level Committee at the time of ascertaining the compensation amount; this Court finds the said observation to be unsustainable. Notably, no positive finding was recorded by the learned Arbitrator to the effect that the solatium was ever factored in by the CALA at the time of passing of the award. The Divisional Level Committee is not the statutory authority empowered to determine or award compensation under the provisions of 1956 Act. Thus, even *arguendo*, that the issue of solatium was factored in by the Divisional Level Committee would not be sufficient to deprive the petitioner(s)-landowner(s) of their constitutional rights towards grant of solatium in terms of Article 14 read with Article 300-A of the Constitution of India.

[17] Further, admittedly, in terms of the order passed by this Court, the supplementary award dated 01.09.2025 has been passed by the CALA, if at all aggrieved, the applicant(s)-NHAI can avail its statutory remedies against the same as per law.

[18] It would be apposite to underscore, at this stage, a development of significant importance which goes to the root of the present controversy. A Division Bench of the Hon'ble Supreme Court vide decision rendered in the case of ***Union of India and anr. Versus Tarsem Singh and ors***. reported as ***2025 INSC 146*** has specifically clarified that judgment passed in ***Tarsem Singh's case (2019)*** is applicable retrospectively to ensure parity among landowners affected by land acquisitions under the NHAI Act between 1997 and 2015, thereby granting them 'solatium' and 'interest'. Relevant paragraphs are reproduced hereunder:

> *"16. At the outset, it is essential to briefly refer to the ratio espoused in Tarsem Singh (supra), which, after considering the relevant facts, applicable laws, and precedents, held that Section 3J of the NHAI Act, by excluding the applicability of the 1894 Act and thereby denying 'solatium' and 'interest' for lands acquired under the NHAI Act, is violative of Article 14 of the Constitution….*
>
> *17. Regardless, the prayer in the instant Application expressly seeks clarification that the decision in Tarsem Singh (supra) should be deemed to operate prospectively only. However, in our considered view, granting such a clarification would effectively nullify the very relief that Tarsem Singh (supra) intended to provide, as the prospective operation of it would restore the state of affairs to the same position as it was before the decision was rendered.*

18. We say so for the reason that the broader purpose behind Tarsem Singh (supra) was to resolve and put quietus upon the quagmire created by Section 3J of the NHAI Act, which led to the unequal treatment of similarly situated individuals. The impact of Section 3J was short-lived, owing to the applicability of the 2013 Act upon the NHAI Act from the date of 01.01.2015. As a result, two classes of landowners emerged, devoid of any intelligible differentia: those whose lands were acquired by the NHAI between 1997 and 2015, and those whose lands were acquired otherwise.

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21. That being so, the decision in Tarsem Singh (supra) also cannot be assailed on the grounds that it opens a Pandora's Box or contravenes the doctrine of immutability, as it merely allows for the grant of 'solatium' or 'interest', which are inherently embedded as compensatory benefits under an expropriating legislation. This exercise cannot be equated to reopening of cases or revisiting the decisions that have already attained finality. Similarly, the restoration of these twin benefits does not invite reconsideration of the merits of a decided case, re-evaluation of the compensation amount, or potentially declaring the acquisition process itself to be unlawful. Instead, the ultimate outcome of Tarsem Singh (supra) is limited to granting 'solatium' and 'interest' to aggrieved landowners whose lands were acquired by NHAI between 1997 and 2015. It does not, in any manner, direct the reopening of cases that have already attained finality.

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25. In view of the foregoing analysis, we find no merit in the contentions raised by the Applicant, NHAI. We reaffirm the principles established in Tarsem Singh (supra) regarding the beneficial nature of granting 'solatium' and 'interest' while emphasising the need to avoid creating unjust classifications lacking intelligible differentia. Consequently, we deem it appropriate to dismiss the present Miscellaneous Application.

[19] Lastly, with respect to the scope and ambit of review jurisdiction, it is well settled that the power of review is strictly confined to the grounds enumerated under Order XLVII Rule 1 CPC. It is equally settled that review must be confined to the material available at the time of the original decision, and that subsequent developments or judgments cannot constitute a ground for review. In this regard, reliance is placed on the decision rendered in the case of ***State of West Bengal vs. Kamal Sengupta*** reported as ***2008 (8) SCC 612***, wherein the Hon'ble Apex Court held:-

> *" The principles which can be culled out from the above noted judgments are :*
>
> *(i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 of CPC.*
>
> *(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.*
>
> *(iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.*
>
> *(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).*
>
> *(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.*
>
> *(vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger bench of the Tribunal or of a superior Court.*

(vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

(viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier".

(Emphasis Supplied)

In view of the aforesaid settled position, the additional grounds sought to be raised by the applicant-NHAI in the present review petition cannot be entertained, having not been urged earlier despite being within its knowledge, and are accordingly liable to be dismissed.

[20] In view of the aforesaid discussion, finding no merits in the present review applications, the same are hereby **dismissed**.

[21] Pending miscellaneous application(s), if any, shall stand disposed of.

March 23, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

Whether Speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*