

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.12981 OF 2017
(Arising out of SLP(C)No.25886/2016)

ASHA GUPTA & ORS. . . . APPELLANT(S)

VS.

HARYANA STATE & ORS. . . . RESPONDENT(S)

WITH

C.A.NOS.12991-13015/2017 @ SLP(C)NOS.28102-28126/2016
C.A.NO.12986/2017 @ SLP(C)NO.25533/2016
C.A.NO.12987/2017 @ SLP(C)NO.25656/2016
C.A.NO.12984/2017 @ SLP(C)NO.25872/2016
C.A.NO.12985/2017 @ SLP(C)NO.25532/2016
C.A.NO.12989/2017 @ SLP(C)NO.26230/2016
C.A.NO.12990/2017 @ SLP(C)NO.26296/2016
C.A.NO.12988/2017 @ SLP(C)NO.25654/2016
C.A.NO.12982/2017 @ SLP(C)NO.25854/2016
C.A.NO.12983/2017 @ SLP(C)NO.25709/2016
C.A.NO.13018/2017 @ SLP(C)NO.30635/2016
C.A.NOS.13016-13017/2017 @ SLP(C)NOS.30578-30579/2016
C.A.NOS.13021-13023/2017 @ SLP(C)NO.32911-32913/2016
C.A.NO.13020/2017 @ SLP(C)NO.31869/2016
C.A.NO.13019/2017 @ SLP(C)NO.30577/2016
C.A.NO.13033/2017 @ SLP(C)NO.1144/2017
C.A.NO.13036/2017 @ SLP(C)NO.3443/2017
C.A.NO.13024/2017 @ SLP(C)NO.37483/2016
C.A.NO.13027-13029/2017 @ SLP(C)NO.2344-2346/2017
C.A.NOS.13025-13026/2017 @ SLP(C)NOS.37486-37487/2016
C.A.NO.13030/2017 @ SLP(C)NO.2348/2017
C.A.NO.13031/2017 @ SLP(C)NO.2347/2017
C.A.NO.13032/2017 @ SLP(C)NO.1142/2017
C.A.NOS.13034-13035/2017 @ SLP(C)NOS.3464-3465/2017
C.A.NOS.13037-13039/2017 @ SLP(C)NOS.12717-12719/2017
C.A.NO.13040/2017 @ SLP(C)NO.15380/2017
C.A.NOS.13043-13044/2017 @ SLP(C)NOS.16906-16907/2017
C.A.NOS.13041-13042/2017 @ SLP(C)NOS.16890-16891/2017
C.A.NO.13045/2017 @ SLP(C)NO.19970/2017.

AND

3. The High Court has also relied upon the sale instances of 1995. It was agreed that the prices in 1995 to be taken as base-price and 12% had been added towards annual increase. However, the High Court has not applied 20% cut, which was applied by the trial court for development. Consequently, the High Court has awarded compensation @Rs.32,27,200/- (Rupees Thirty Two Lakhs Twenty Seven Thousand Two Hundred only).

4. We have heard learned counsel for the parties. In our opinion, though the High Court should have applied a cut for the development, which was applied by the Reference Court. But in the instant cases, there are other evidence on record, which indicate that for the year 1995 acquisition, this Court had awarded a compensation of Rs.20 lakhs per acre, for the land which is from one of the nearby village.

5. Even considering the evidence on record, the subsequent Award relating to 2003 acquisition cannot be taken into consideration, as prices increase with time. When we take into consideration the determination made by this Court with respect to 1994 acquisition after applying the appropriate cut, the amount awarded by the High Court is found to be appropriate.

6. We place on record that the High Court has totally ignored the decision relied on by Reference Court while making deduction for the development, and cut for

development has to be made necessarily, as laid down by this Court in Delhi Development Authority Vs. Kapil Mehra & Ors., (2015) 2 SCC 262, in which a large number of decisions of this Court have been taken into consideration. The High Court should have considered reasons in the Award rendered by the Reference Court.

7. The appeals are hereby dismissed. Pending application, if any, stands disposed of.

.....J.
[ARUN MISHRA]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
12th September, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Item No.2 :

Petition(s) for Special Leave to Appeal (C) No(s).25886/2016

(Arising out of impugned final judgment and order dated 04-02-2016 in RFA No.1080/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

ASHA GUPTA & ORS.

Petitioner(s)

VERSUS

HARYANA STATE & ORS.

Respondent(s)

WITH

SLP(C) NOS.28102-28126/2016
 SLP(C) NO.25533/2016
 SLP(C) NO.25656/2016
 SLP(C) NO.25872/2016
 SLP(C) NO.25532/2016
 SLP(C) NO.26230/2016
 SLP(C) NO.26296/2016
 SLP(C) NO.25654/2016
 SLP(C) NO.25854/2016
 SLP(C) NO.25709/2016
 SLP(C) NO.30635/2016
 SLP(C) NOS.30578-30579/2016
 SLP(C) NO.32911-32913/2016
 SLP(C) NO.31869/2016
 SLP(C) NO.5940/2017
 SLP(C) NO.30577/2016
 SLP(C) NOS.31960-31973/2016
 SLP(C) NOS.37480-37482/2016
 SLP(C) NO.1144/2017
 SLP(C) NOS.12354-12357/2017
 SLP(C) NO.3443/2017
 SLP(C) NO.37483/2016
 SLP(C) NO.2344-2346/2017
 SLP(C) NOS.37486-37487/2016
 SLP(C) NO.2348/2017
 SLP(C) NO.2347/2017
 SLP(C) NO.1142/2017
 SLP(C) NOS.3464-3465/2017
 SLP(C) NO.12939/2017
 SLP(C) NOS.12717-12719/2017
 SLP(C) NO.15380/2017
 SLP(C) NOS.16906-16907/2017

SLP(C)NOS.16890-16891/2017

SLP(C)NO.19970/2017- (With appln.(s) for c/delay in filing SLP, exemption from filing O.T. and permission to file SLP without certified copy/plain copy of the impugned judgment)

Item No.6 :

SLP(C)Nos...../2017 @ Diary No.20841/2017
(With appln.(s) for c/delay in filing SLPs)

Date : 12-09-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. V. Shekhar, Sr. Adv.
Mr. Arun K. Sinha, AOR
Mr. Mohinder Singh, Adv.
Mr. Sumit Sinha, Adv.
Mr. Sinha Shrey Nikhilesh, Adv.

Mr. Naresh Kaushik, Adv.
Mr. Vardhman Kaushik, Adv.
Ms. Shaili Pande, Adv.
For Mrs. Lalita Kaushik, AOR

Mr. Shailendra Jain, Sr. Adv.
Mr. Siddharth Batra, Adv.
Mr. Ravinder Kumar, Adv.
Mr. Ajit Sharma, AOR

Mr. Gagan Gupta, AOR

Mr. Siddharth Mittal, AOR

Mrs. Amita Gupta, AOR
Mr. Rugha Ram, Adv.

Mr. Ravinder Kumar Yadav, AOR
Mr. Vinay Mohan Sharma, Adv.
Ms. Arti Anupriya, Adv.
Mr. Pushpender Choudhary, Adv.

Mr. Sanjay Kumar Visen, AOR

Mr. Vikas Verma, Adv.
Mr. Sansar Arora, Adv.
Mr. Aditya Singh, AOR

Mr. Surender Deswal, Adv.
Mr. Sahil A. Garg, Adv.
Mr. Aslam, Adv.
Mr. Bhanu Pratap, Adv.
Mr. Satish Kumar, AOR

Mr. Puneeth K.G., Adv.
Mr. Vikas Arora, Adv.
Mr. Mohit Paul, AOR

For Respondent(s) Mr. Alok Sangwan, AAG
Mr. Sunny Kadiyan, Adv.
Dr. Monika Gusain, AOR
Mr. Karunesh K. Shukla, Adv.

Mr. A.N. Arora, AOR

UPON hearing the counsel the Court made the following
O R D E R

CIVIL APPEAL NO.12981 OF 2017, C.A.NOS.12991-13015/2017 @
SLP(C)NOS.28102-28126/2016, C.A.NO.12986/2017 @ SLP(C)NO.
25533/2016, C.A.NO.12987/2017 @ SLP(C)NO.25656/2016, C.A.NO.
12984/2017 @ SLP(C)NO.25872/2016, C.A.NO.12985/2017 @ SLP(C)NO.
25532/2016, C.A.NO.12989/2017 @ SLP(C)NO.26230/2016, C.A.NO.
12990/2017 @ SLP(C)NO.26296/2016, C.A.NO.12988/2017 @ SLP(C)
NO.25654/2016, C.A.NO.12982/2017 @ SLP(C)NO.25854/2016, C.A.NO.
12983/2017 @ SLP(C)NO.25709/2016, C.A.NO.13018/2017 @
SLP(C)NO.30635/2016, C.A.NOS.13016-13017/2017 @ SLP(C)NOS.
30578-30579/2016, C.A.NOS.13021-13023/2017 @ SLP(C)NO.
32911-32913/2016, C.A.NO.13020/2017 @ SLP(C)NO.31869/2016
C.A.NO.13019/2017 @ SLP(C)NO.30577/2016, C.A.NO.13033/2017 @
SLP(C)NO.1144/2017, C.A.NOS.14911-14914/2017 @ SLP(C)NOS.
12354-12357/2017, C.A.NO.13036/2017 @ SLP(C)NO.3443/2017,
C.A.NO.13024/2017 @ SLP(C)NO.37483/2016, C.A.NO.13027-13029/2017
@ SLP(C)NO. 2344-2346/2017, C.A.NOS.13025-13026/2017 @ SLP(C)NOS.
37486-37487/2016, C.A.NO.13030/2017 @ SLP(C)NO.2348/2017
C.A.NO.13031/2017 @ SLP(C)NO.2347/2017, C.A.NO.13032/2017 @
SLP(C)NO.1142/2017, C.A.NOS.13034-13035/2017 @ SLP(C)NOS.
3464-3465/2017, C.A.NOS.13037-13039/2017 @ SLP(C)NOS.12717-12719/
2017, C.A.NO.13040/2017 @ SLP(C)NO.15380/2017, C.A.NOS.13043-13044/
2017 @ SLP(C)NOS.16906-16907/2017, C.A.NOS.13041-13042/2017 @
SLP(C)NOS.16890-16891/2017 & C.A.NO.13045/2017 @ SLP(C)NO.
19970/2017 AND CIVIL APPEAL NOS. /2017 @ SLP(C)
Nos...../2017 @ D.No.20841/2017 :

Substitution allowed.

Leave granted.

The appeals are dismissed in terms of the signed
order. Pending application, if any, stands disposed of.

SLP(C)Nos.5940/2017, 31960-31973/2016, 37480-37482/2016,
12354-12357/2017 and 12939/2017 :

List tomorrow, i.e., on 13.9.2017.

(Sarita Purohit)
Court Master

(Tapan Kumar Chakraborty)
Branch Officer

(Signed order is placed on the file)