



RFA-793-2019 (O&M) & other connected cases [1]

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

**RFA No. 793-2019 (O&M) and
XOBJR-55-2019**

Date of Decision: 13.05.2026

Greater Mohali Area Development Authority (GMADA)

Through Estate Officer

.....Appellant(s)

Versus

Amrik Singh and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. V.G. Jauhar, Advocate
for the appellants/ landowners.

Mr. Naresh Kaushal, Advocate
Mr. Nitish Kaushal, Advocate
Mr. Surbhi Rana, Advocate for
Mr. Pritam Singh Saini, Advocate
for the landowners/ XOBJRs

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HARKESH MANUJA, J. (ORAL)

CM-2132-CI-2026 IN CMS-4005-4006-CI-2023 IN RFA-793-2019

Notice of the application to non-applicant/appellant.

Learned counsel representing the non-applicant, who is present in Court, accepts notice on their behalf.

For the reasons mentioned in the application, the same is allowed. Documents appended thereto are permitted to be taken on record.

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**CMS-4006-CI-2023 IN RFA-793-2019**

The present application has been filed under Order 41 Rule 27 Civil Procedure Code, 1908 on behalf of the applicant-appellant seeking permission to lead additional evidence in the form of Minutes of Meetings, Site Plan, Sale Deeds, Plan, and Master Plan, marked as Annexures A-1 to A-15.

Upon issuance of notice of the application, reply stands filed on behalf of the landowners.

I have heard learned counsel for the parties and gone through the contents of the application as well as reply filed thereto.

A perusal of the record shows that the sale deeds at Annexures A-4 to A-13, sought to be produced by the applicant-appellant, are merely photostat copies countersigned by the Joint Sub-Registrar, Sub-Tehsil Majra. Certified copies of the said sale deeds have not been placed on record by the applicant-appellant so as to enable it to take advantage of the provisions of Section 51-A of the Land Acquisition Act, 1894 (hereinafter referred to as "***the 1894 Act***").

It is further noted that the said sale deeds were evidently available to the applicant-appellant at the time when its evidence was being recorded before the learned Reference Court. No reasonable explanation has been offered for the failure to produce the said documents at that stage, nor any diligence been demonstrated on the

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part of the applicant-appellant in that regard. It is well settled that additional evidence cannot be permitted to fill up the gaps in evidence or to make up for the lack of diligence at the trial stage. In such circumstances, the photostat copies of the sale deeds at Annexures A-4 to A-13 cannot be permitted to be taken on record by way of additional evidence at this belated stage.

Insofar as the remaining documents, namely, Annexures A-1 to A-3 and A-14 to A-15 are concerned, the same comprise of the Minutes of the Meeting of the District Land Price Fixation Committee, Minutes of the Meeting of the Cabinet Sub-Committee, Site Plan, Plan and Master Plan. The authenticity of the said documents cannot be disputed by the respondents-landowners, and the same, being public records, are admissible in evidence. In such circumstances, Annexures A-1 to A-3 and A-14 to A-15 are hereby allowed to be taken on record as additional evidence, with liberty reserved to the respondents-landowners to lead evidence in rebuttal, if they so desire.

Learned counsel for the respondents-landowners, however, states that no rebuttal evidence is required to be lead on their behalf.

Accordingly, annexures A-1 to A-3 and A-14 to A-15 are hereby **taken on record** as additional evidence.

The application stands **disposed of** accordingly.

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**MAIN CASE:**

Vide this common order, a bunch of 36 Regular First Appeals and 32 XOBJRs, details of which are given in the footnote of this judgment, are being decided as all the appeals 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. 793-2019 and XOBJR-55-CI-2019**.

2. By way of present appeal(s), challenge has been laid to the Award dated 20.11.2018 passed by the learned Addl. District Judge, SAS Nagar, Mohali (hereinafter to be referred as the '**Reference Court**').

3. Briefly stating, in the present case(s), land measuring 161.2541 acres situated within the revenue estate of Village Mullanpur Garibdass and Ferozepur Banghar, Tehsil Kharar and District SAS Nagar, Mohali was acquired vide Notifications dated 17.05.2013 and 13.09.2013 issued under Sections 4 & 6 of the 1894 Act, respectively for the public purpose, namely, "*for setting up of Meidcity Phase II Health Facility in the area of Mullanpur*". Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short '**the LAC**') on 31.12.2013, thereby determining the market value of the acquired land @ Rs.1,36,00,000/- per acre besides award of all other statutory benefits and interests provided under the 1894 Act.

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4. Dissatisfied with the Award passed by the LAC, appellants/landowners invoked References under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its decision dated 20.11.2018, while enhancing the market value to a uniform rate of Rs.3,86,86,925/- per acre besides awarding all other statutory benefits/interest in their favour under the 1894 Act.

5. Aggrieved thereof, the present appeal(s) were preferred at the instance of appellant-GMADA and cross objections were filed by the respondents-landowners.

6. I have heard learned counsel for the parties and gone through the paper-book as well as records of the case.

7. In the present case(s), 118.5416 acres of land was acquired from the revenue estate of Village Mullanpur Garibdass along with 42.7125 acres from the revenue estate of Village Ferozpur Bangar vide notification dated 17.05.2013 issued under Section 4 of the Act for public purpose, namely, *“for setting up of Medicity Phase-II (Health Facility) in the area of Mullanpur Tehsil Kharar, District SAS Nagar, Mohali”*.

7.1. Prior thereto, vide notification dated 20.02.2009 and 10.08.2009 issued under Sections 4 and 6 of the 1894 Act respectively, the land forming part of Villages Mullanpur Garibdass, Ferozpur, Parol, Hoshiarpur and Majra was acquired for the public purpose, namely, *“for construction of Road from Mullanpur Garibdass*

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to *Kurali Sistan T-Junction*” and this Court vide its decision dated 27.01.2026 passed in **RFA No.7762-2013** titled as “**The Greater Mohali Area Development Authority, SAS Nagar (Mohali) Vs. Baldev Singh (Deceased) th. His LRs and ors.**”, finally re-assessed the market value @ Rs.3,38,40,000/- per acre with respect to the said acquisition. A comparative table of the two acquisitions being relevant, is extracted hereunder:-

<u>Details</u>	<u>Previous Acquisition</u>	<u>Present Acquisition</u>
Section 4	20.02.2009	17.05.2013
Section 6	10.08.2009	13.09.2013
Revenue Estate of Village(s) involved	Mullanpur Garibdass, Ferozepur, Parol, Hoshiarpur and Majra	Mullanpur Garibdass, Ferozepur Bangar
Public Purpose	<i>Construction of road from Mullanpur Garib Dass to Kurali-Siswan T-Junction</i>	<i>Setting up of Medicity Phase-II (Health Facility) in the area of Mullanpur Tehsil Kharar, District SAS Nagar, Mohali.</i>
Award passed by the LAC	Dated 31.03.2010 <u>Mullanpur Garibdass:</u> Rs. 1,45,00,000/- per acre. <u>Ferozepur and Parol:</u> Rs.1,31,00,000/- per acre. <u>Hoshiarpur:</u> Rs.1,35,00,000/- per acre <u>Majra:</u> Rs.1,29,00,000/- per acre	Dated 31.12.2013 Rs.1,36,00,000/- per acre
Award passed by the learned Reference Court.	Dated: 22.07.2013 At a uniform rate of Rs.2,32,00,000/-.	Dated: 20.11.2018 At a uniform rate of Rs.3,86,86,925/-.

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Determination by this Court	Dated: 27.01.2026 RFA-7762-2013 titled as GMADA vs. Baldev Singh (Deceased) through his LRs and ors. At a uniform rate of Rs.3,38,40,000/-.	-----
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8. A conjoint perusal of the site plans Annexures A-14 and A-15 produced on record by the appellant, it is evident that the major portion of the revenue estates of Villages Mullanpur Garibdass and Ferozpur Bangar are located on the 200 ft. wide master plan road leading from boundary of UT Chandigarh to Siswan T-Junction. Furthermore, as evident from the above chart, since the revenue estates of Mullanpur Garibdass and Ferozpur Bangar are involved in both acquisitions and the land acquired in the present case is located in close geographical proximity of the land acquired under the previous acquisition, it would be appropriate for this Court to place reliance upon the decision dated 27.01.2026 passed in **Baldev Singh's case** (supra) being the best evidence available on the record.

9. Furthermore, from the evidence available on record in the form of Master Plan of New Chandigarh site plan (Annexure A-15), it is evident that under the previous acquisition, the carving out of HR-2 Road leading from Mullanpur Garibdass to Kurali-Siwan T-Junction, substantially added to the potential value of the present acquired chunk. Major portion of Eco City-II is infact, located exactly

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on the said road. Nonetheless that the revenue estates of the acquired land in the case(s) in hand are located in close proximity to Union Territory of Chandigarh.

9.1. Thus, taking into account the locational and potential value attached to the acquired land in the present case(s), for the time gap between the two notifications dated 20.02.2009 and 17.05.2013 which is 04 years and 03 months, an appreciation @ 15% per annum needs to be awarded on the market value already assessed (Rs.3,38,40,000/- per acre) which comes to Rs.5,54,13,000/- per acre. The reliance with respect to the percentage of appreciation @ 15 percent is placed upon the case of ***Krishi Utpadan Mandi Samiti Sahaswan Dist. Badaun Thr. Its Secretary vs. Bipin Kumar & Another, Etc, 2004 (2) SCC 283.***

Relevant paragraph No.8 in this regard is reproduced hereunder:-

“8. However there is evidence of high potentiality. The increase of 15% given by the High Court cannot therefore be said to be unreasonable. Of course, the 15% increase has to be on Rs.15.40 which is the figure shown in the sale deed. It cannot be on Rs.120 as wrongly taken by the High Court. The High Court also erred in considering only three years increase whereas in fact there is four years difference between the respondent's sale deed and the acquisition proceedings. Thus taking an increase of 60% over the price of Rs.15.40 per sq. yard the value comes to Rs.24.64 per sq. yard. We accordingly set aside the order of the Reference Court and the High Court and fix value at the rate of Rs.24.64 per sq. yard. The respondent will also to be entitled to solatium and other statutory benefits under the Land Acquisition Act, 1894.”

10. Insofar as the deductions on account of development cut

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and the extent thereof are concerned, the Hon'ble Apex Court in ***Sajan v. State of Maharashtra*** reported as **2020(14) SCC 139** has reaffirmed that the if the valuation of a large extent of agricultural or undeveloped land is to be based on the sale price of a small developed plot in a private layout, then the percentage of deduction may however vary between 20% to 75% depending on several circumstances. The relevant paragraph No. 16 is reproduced hereunder:-

"16. Rule of one-third deduction towards development is the general rule. But depending upon the purpose of acquisition and taking note of well planned layouts, if any, the deduction for development cost may vary from 20% to 75%. Observing that deduction towards development can range from 20% to 75% of the price of the plot, in Lal Chand v. Union of India and Another (2009) 15 SCC 769, the Supreme Court held as under:-

"19. If the acquired land is in a semi-developed urban area, and not an undeveloped rural area, then the deduction for development may be as much less, that is, as little as 25% to 40%, as some basic infrastructure will already be available. (Note: The percentages mentioned above are tentative standards and subject to proof to the contrary.)

.....

22. Some of the layouts formed by the statutory development authorities may have large areas earmarked for water/sewage treatment plants, water tanks, electrical substations, etc. in addition to the usual areas earmarked for roads, drains, parks, playgrounds and community/civic amenities. The purpose of the aforesaid examples is only to show

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that the "deduction for development" factor is a variable percentage and the range of percentage itself being very wide from 20% to 75%."

11. Also, in ***Kasturi v. State of Haryana***, reported as **2003(1) SCC 354**, it was observed that in cases of land acquisition where there are certain advantages by virtue of the developed area around, it may help in reducing the percentage of cut to be applied, as the development charges required maybe less on that account. There may be various factual factors which may have to be taken into consideration while applying the cut in payment of compensation towards development charges, maybe in some cases it is more than 1/3rd and in some cases less than 1/3rd. Therefore, taking into consideration the potential of the acquired land for the construction of residential and commercial buildings, a deduction of only 20% was applied. The relevant portions of the paragraphs are extracted hereunder:-

- “5. *The emphasis and thrust of the argument made on behalf of the appellants was that the cut of 20% on the amount of compensation was not at all justified having regard to the fact that the acquired land was in a fully developed area.*
6. *The learned Single Judge, dealing with the question of location and potentiality of the acquired land, has observed that there is really not much dispute between the parties in that regard; documents clearly show that the land in question is adjacent to the land already acquired*



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for developing Sectors 13 and 23; on one side of the acquired land, there is a city railway station while on the other, there is 100 ft. wide road; there is overwhelming documentary evidence to show that the land in question is surrounded by developed areas and the land has a commercial and residential potentiality.

.....

However, in cases of some land where there are certain advantages by virtue of the developed area around, may help in deducting the percentage of cut to be applied, as the developmental charges required may be less on that account. There may be various factual factors which may have to be taken into consideration while applying the cut in payment of compensation towards development charges, may be in some cases it is more than 1/3 and in some cases less than 1/3. It must be remembered that there is difference between a developed area and an area having potential value, which is yet to be developed. The fact that an area is developed or adjacent to a developed area will not ipso facto make every land situated in the area also developed to be valued as a building site or plot, particularly when vast tracts are acquired, as in this case, for development purpose.

.....

- 14. *On facts and in the light of the legal position emerging from the various decisions referred to above, it is not possible for us to say that cut of 20% adopted by the learned Single Judge as*

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affirmed by the Division Bench in the impugned judgment is wrong or unsustainable. It appears to us having regard to facts and circumstances of the case that the High Court has applied cut of 20% as against the normal $\frac{1}{3}$ deduction. We find that the High Court was right and justified in doing so.”

12. From the discussion made hereinabove, and taking into account the fact that the acquisition in the present case has been carried out for the public purpose of *setting up of Medicity Phase-II (Health Facility) in the area of Mullanpur, Tehsil Kharar, District SAS Nagar, Mohali*”, a suitable development cut needs to be applied towards the expenditure incurred by the appellant-authority for providing all basic infrastructural amenities to the allottees. However, keeping in view the fact that the acquired land is situated in the close vicinity of Union Territory of Chandigarh and is geographically located on the HR-2 Road (Horizontal Road) leading from Mullanpur Garibdass to Kurali-Siswan T-Junction with already developed surroundings at the hands of private Colonizers namely Omaxe and Altus etc. thereby, carrying all basic infrastructural civic amenities in the area, in the humble opinion of this Court, a suitable deduction @ 25% over the base price of Rs.5,54,13,000/- per acre would suffice as against the development cost(s). The market value with respect to the acquired land, in the case in hand thus comes to Rs.4,15,59,750/- per acre as on the date of issuance of notification under section 4 of

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the 1894 Act dated 17.05.2013.

13. It may be noticed here that though before the learned Reference Court, the argument raised on behalf of the respondents/landowners that the determination of market value was required to be done under the provisions of 2013 Act, however in the present appeals/cross-objections, no such argument was raised on behalf of the respondents/landowners, thus the same needs no adjudication/determination.

14. Accordingly, the market value for the land acquired in Mullanpur Garibdass and Ferozepur Bangar is re-assessed @ **Rs.4,15,59,750/-per acre**. In addition, the landowners shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto date). The landowners shall also be entitled for solatium @ 30% besides award of interest thereupon.

15. Consequently, in view of the discussion made herein above, the appeals preferred at the instance of appellant(s)-GMADA are hereby dismissed and the cross-objections filed by the landowners are partly allowed in the aforesaid terms.

16. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate

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application(s) before the learned Executing Court.

17. All pending application(s), if any, shall also stand disposed of.

13.05.2026
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned? Yes/No
Whether Reportable? Yes/No

Sr. No.	Case No.
1.	RFA-794-2019 (O&M) & XOBJR-79-2019
2.	RFA-795-2019(O&M) & XOBJR-42-2019
3.	RFA-796-2019(O&M) & XOBJR-47-2019
4.	RFA-797-2019(O&M) & XOBJR-52-2019
5.	RFA-798-2019(O&M) & XOBJR-87-2019
6.	RFA-799-2019(O&M) & XOBJR-83-2019
7.	RFA-800-2019(O&M) & XOBJR-60-2019
8.	RFA-801-2019(O&M) & XOBJR-61-2019
9.	RFA-802-2019(O&M)
10.	RFA-803-2019(O&M) & XOBJR-45-2019
11.	RFA-804-2019(O&M)
12.	RFA-805-2019(O&M) & XOBJR-48-2019
13.	RFA-806-2019(O&M) & XOBJR-49-2019
14.	RFA-807-2019(O&M) & XOBJR-88-2019
15.	RFA-808-2019(O&M) & XOBJR-65-2019
16.	RFA-809-2019(O&M) & XOBJR-64-2019
17.	RFA-810-2019(O&M) &

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	XOBJR-129-2019
18.	RFA-842-2019(O&M) & XOBJR-50-2019
19.	RFA-843-2019(O&M) & XOBJR-59-2019
20.	RFA-844-2019(O&M) & XOBJR-43-2019
21.	RFA-845-2019(O&M) & XOBJR-68-2019
22.	RFA-846-2019(O&M) & XOBJR-58-2019
23.	RFA-847-2019(O&M)
24.	RFA-848-2019(O&M) & XOBJR-57-2019
25.	RFA-849-2019(O&M) & XOBJR-41-2019
26.	RFA-850-2019(O&M) & XOBJR-106-2019
27.	RFA-851-2019(O&M) & XOBJR-46-2019
28.	RFA-852-2019(O&M) & XOBJR-86-2019
29.	RFA-853-2019(O&M) & XOBJR-54-2019
30.	RFA-854-2019(O&M) & XOBJR-53-2019
31.	RFA-855-2019(O&M) & XOBJR-124-2019
32.	RFA-856-2019(O&M) & XOBJR-44-2019
33.	RFA-857-2019(O&M) & XOBJR-40-2019
34.	RFA-858-2019(O&M) & XOBJR-51-2019
35.	RFA-859-2019(O&M)

13.05.2026
sanjay

(HARKESH MANUJA)
JUDGE