

HARYANA URBAN DEVELOPMENT AUTHORITY
SECTOR-6, PANCHKULA.

No. HUDA-CCF-Acctt-II-2014/ 20437

Dated: 13/8/14

To

Sh. Mohinder Singh Sullar,
House No. 220 P, Sector-25,
Panchkula.

**Subject: Regarding in respect of ~~CWP~~ No. CWP No. 9491 of 2012 -
Mohinder Singh Sullar V/s State of Haryana and others,
Sector-25, Panchkula.**

Please refer to the subject cited on above.

Find enclosed herewith the copy of speaking order passed on 08.08.2014 by the Committee constituted for this purpose and it is for your information please. Enclosure of speaking order are also attached.

DA/As above:

(Surjeet Singh),
Accounts Officer,
For Administrator (HQ),
HUDA, Panchkula.

Endst.No.HUDA-CCF-Acctt-II-2014/- 20438

Dated:- 13/8/14

A copy of the above is forwarded to the Estate Officer, HUDA, Panchkula for information and necessary action.

DA/As above:

(Surjeet Singh),
Accounts Officer,
for Administrator (HQ),
HUDA, Panchkula.

This speaking order is passed in compliance of the orders dated 27.11.2012 of Hon'ble Punjab & Haryana High Court in CWP No.9491 of 2012 Mohinder Singh Sullar and others Vs. State of Haryana and others. The orders dated 27.11.2012 are reproduced as under:-

"It is grievance of the petitioner that the respondent are trying to claim entire amount of compensation from the allottees of plots only, whereas owner of other plots/land were not made liable without any justification. Similar matter came up for hearing before a Division bench of this Court in CWP No.581 of 2012 (Army Welfare Housing Organisation v. Haryana Urban Development authority & others). Decided on 15.12.2012, wherein it has been observed that re-calculate the amount of enhanced compensation to be paid by the allottees, a committee be constituted by the respondents, which shall calculate and explain to the allottees the basis for demand of the enhanced price for plots. In view of above, the present writ petition is disposed of in ^{terms} terms of the said judgement and the Committee so constituted shall also look into grievance of the petitioner raising in this writ petition. This writ petition may be treated the representation and counsel for respondent No.2 is directed to put up case of the petitioner before the said Committee."

Before passing the speaking order, it is relevant to discuss the following important clauses/provisions made in the Allotment letter issued to the society, The Haryana Urban Development (Disposal of Land & Building) Regulations, 1978 and The Land Acquisition Act, 1894.

(a) Clause no. 9 of the allotment letter provides as under:-

"The above price is tentative to the extent that any enhancement in the cost of land awarded by the competent authority under the Land Acquisition Act shall also be payable proportionately, as determined by the Authority. The additional price determined shall be paid within 30 days of its demand."

(b) Section-4 of The Haryana Urban Development (Disposal of Land and Building) Regulations, 1978, defines the tentative price as under:-

"The tentative price/premium for the disposal of land or building by the Authority shall be such as may be determined by the authority taking into consideration the cost of land, estimated cost of development, cost of buildings and other direct and indirect charges as may be determined by the Authority from time to time.

(c) Section-10 of The Haryana Urban Development (Disposal of Land and Building) Regulations, 1978, defines the tentative price/premium as under:-

i) In the case of sale/lease of land/building by allotment the transferee or lessee shall be liable to pay to the Authority, in addition to the tentative

price/premium, the additional price/premium, if any, determined in respect there to under these regulations.

- ii) The additional price/premium shall be payable by the transferee or lessee within a period of thirty days of the date of demand made in this behalf by the Estate Officer without interest or in such number of installments with interest as may be determined by the Chief Administrator.

(d) Section-2 (b) of The Haryana Urban Development (Disposal of Land & Building) Regulations, 1978 further provides as under:-

“ADDITIONAL PRICE” and “ADDITIONAL PREMIUM” means such sum of money as may be determined by the Chief Administrator in respect of the sale or lease of land or building by allotment which may become payable by the transferee or lessee with respect to land or building sold or leased to him in a sector on account of the enhancement of compensation of any land or building in the same sector by the Court on a reference made under section 18 of the Land Acquisition Act, 1894 and the amount of cost incurred in respect of such reference.”

(e) Section-28 of The Land Acquisition Act, 1894 provides as under:-

“Collector may be directed to pay interest on excess compensation:- If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of (nine per centum) per annum from the date on which he took possession of the land to the date of payment of such excess into Court:

Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.”

As per the orders of the Hon'ble High Court, the hearing opportunity was given to the petitioner on dated 06.06.2013 & 13.12.2013 and the same was attended by the advocates of the Petitioner. Fresh hearings were fixed on 13.05.2014 and 20.05.2014, but the petitioner did not attend the hearing. In the ^{hearing} meeting dated 13.12.2013, the petitioner ^{had} submitted a request to decide the representations of dated 06.06.2013 and the points raised in the writ petition. The objections were deliberately discussed and are decided as under:-

1. Matter of record.
2. Matter of record.
3. Matter of record.

4. The tentative price of residential plots of sector-25, Panchkula was fixed @ Rs.740.00 per sq.yd. during the year 1992-93 as per section-4 of the Haryana Urban Development Authority (Disposal of Land & Building) regulation, 1978. While fixing the tentative price of the sector-25, Panchkula, the land cost was taken as per award announced by the Land Acquisition Collector. No component of enhanced compensation was added while fixing the tentative price of sector-25, Panchkula.

1154.26 acres of area was acquired for sector-24 to 28, Panchkula, the details of which are annexed at R-I. The area of sector-25 was 220.50 acres, the utilization of which duly certified by the office of DTP is as under:

1.	Total are of the sector	220.50
2.	Area under communication zone	17.76
3	Area under Nandana Choe and Recreational zone	17.31
4.	Area under Village Abadi	2.20
5.	Area under relsaed land	0.04
6	Area of this sector acquired	218.26
7	Net area planned	183.19
8	Area under Plots	71.70
9	Area under Public & semi public use	10.96
10	Shopping Centre	7.00
11	Group Housing	6.50
12	Community Centre	1.96
13	Educational facilities	9.45
14	Medical facilities (Dispensary)	1.74
15	Nursing Home/Clinic	0.50
16	Religious Building	1.48
17	Area under O.H.S.R./T.W/Electrical Complaint Centre	2.95
18	Area under open spaces/H.T. Lines	19.04
19	Petrol Pump	0.22
20	Haryana Urban Development Authority Land	1.64
21	Area under Roads	48.05

It is incorrect to say that the total amount of enhanced compensation is Rs.435,64,09,295/-. The total amount of enhanced compensation paid to the land-owners upto 15.7.2011 is Rs.555,89,15,515/- and after 15.7.2011 is Rs.39,35,50,465/- totaling to Rs.595,24,65,980/- the details of which are annexure at R-II.

- 5 P-I is a matter of record which is a copy of allotment letter and the allotment letter was issued on 22.1.1996. P-2 is a representation of Joint Action Committee which was considered and it was decided to treat the representation of Joint Action Committee, Panchkula(Extension) at par with the representation

made by the Resident Welfare Society sector-26, Panchkula on which orders were passed by the Hon'ble Punjab and Haryana High Court in CWP no.18681 of 2011 (O & M). The copy of the orders of the Hon'ble High Court are annexed as **R-III**. The representation made by the Joint Action Committee and Resident Welfare Society sector-26, Panchkula was heard on 17.11.2011 and speaking order were passed by the Competent Authority on dated 18.01.2012 copy of which is annexed at **R-IV**.

According to the speaking orders passed by the Competent Authority, the enhanced compensation of sector-25, Panchkula was revised from Rs.1967.51 per sq.yd. to Rs.933.81 per sq. yd. and the copy of the revised notice is annexed at **R-V**. The notice of 6th enhanced compensation of Rs.140.38 per sq. yd. (167.89 per sq. mtr.) was also issued to petitioner in respect of payments of enhanced compensation made after 15.07.2012 vide letter No.5446, dated 9.11.2012 the copy of which is annexed **R-VI**.

In nutshell the enhanced compensation has been reduced from Rs.1967.51 per sq. yd. to Rs.1074.19 per sq. yd. (933.81 per sq. yd. & 140.38 per sq. yd.).

6. P-3 is a matter of record. As stated above the enhanced compensation of sector-25, Panchkula has been reduced from Rs.9,88,319/- to Rs.5,39,587/- i.e. Rs.4,69,073/- for 5th enhancement & Rs.70,514/- for 6th enhancement.
7. The price of Rs.740/- per sq. yd. was the tentative price as explained in para no 4. The calculation sheet for recovery of enhanced compensation of Rs.1967.51 per sq. mtr. was supplied to the petitioner vide Estate Officer, Panchkula memo no.297 dated 31.08.2011 claiming an amount Rs.9,88,319/-. No calculation of Rs.740/- per sq.yd. was supplied alongwith the notice dated 31.08.2011. From para no.4 above, it may be seen that the total area of sector-25, Panchkula is 220.50 acres and after excluding the area under village abadi of 2.20 acres, area of release land 0.04 acre the remaining area works out to 218.26 acres. On the basis of speaking order passed by the competent Authority on 18.01.2012, the enhanced compensation was to worked out and the entire amount of enhanced compensation has been spread over the saleable area of 104.74 acres instead of 82.29 acres as per calculations annexed at **R-VII**.
8. As explained in Para No.4 and 7 above.
9. As explained in Point No.4 and 7 above.
10. The enhancement has been revised from Rs. 1967.51 per sq. yd. to Rs. 933.81 per sq. yd. as per speaking order. The amount of Rs. 6.25 lac paid by petitioner shall be adjusted against the revised demand of Rs. 933.81 per sq. yd. and Rs.140.38 per sq.yd. and any access amount found thereafter will be refunded to the petitioner with interest @ 15% P.A. as per the instructions issued vide Haryana Urban Development Authority-CCF-Acctt-II2012/23209 dated 22.6.2012, copy annexed at **R-V**.

11. The demand of Rs. 1967.51 per sq. yd. has been revised to Rs.933.81 per sq.yd. for the 5th enhancement and Rs.140.38 per sq.yd. for the 6th enhancement, which is payable as per the terms and conditions of the allotment letter and cannot be said to be illegal, unlawful, erroneous and arbitrary.

i) As a matter of records.

ii) The enhancement amount paid upto 15.07.2011 is Rs. 555,89,15,515/- and Rs. 39,35,50,465/- after 15.07.2011. The total payment of Rs. 595,24,65,980/- was paid to the land owners. Out of this, Rs.104,94,40,344/- was paid for sector-25, Panchkula and not Rs.82,69,60,131/- as mention by the petitioner. The detail of compensation of sector-25 is as under:

For 1 st E.C.-	Rs. 6,46,41,165/-
For 2 nd E.C.-	Rs. 5,49,80,002/-
For 3 rd E.C.-	Rs. 1,41,33,279/-
For 4 th E.C.-	Rs. 2,19,60,906/-
For 5 th E.C.-	Rs. 82,43,40,649/-
For 6 th E.C.-	Rs. 6,93,84,343/-
Total	Rs. 104,94,40,344/-

The above detail has been reconciled as per point no.(i) of speaking orders.

iii) The price Rs. 740/- per sq. yd. is only the tentative price and it does not include any enhanced compensation as explained in point no. 4 above.

iv) The tentative price of Rs. 740/- per sq. yd. is correct and it was calculated as per provision of Section-4 of The Haryana Urban Development (Disposal of Land and Building) Regulations, 1978 and there was no enhancement included in it. The burden of enhanced compensation was spread over the saleable area of 104.74 acres instead of 82.29 acres as per revised calculations.

v) The enhancement has been revised as explained above and the burden of enhancement is levied on the salable area as per speaking order. As per revised calculation, enhancement has also been levied on unplanned area, which is also included in salable area. The area detail of 1154.26 acre is as under:-

Sec. No.	Acquired area (in acre)	Net planned	Ghaggar area	Communication/ /rec. zone
24	120	44.00	76.00	0.00
25	218.30	183.19	11.34	17.76+5.97
26	328.04	253.66	67.68	6.70

27	238.62	191.42	42.61	4.59
28	249.30	172.58	74.02	2.70
	1154.26	844.85	271.65	37.72

The Ghaggar area 271.65 acre was acquired for flood protection work in the absence of which the sector falling along river Ghaggar may have to face flood, therefore enhancement of this land is chargeable to the salable area of the sectors on proportionate basis as per speaking order. Out of 37.72 acres reserved for communication/recreation zone, 13.24 acre of land was transferred to Forest Department for which no burden of EC was loaded on the plot-holders. 5.97 acres was carved out for commercial use, the enhancement of which is borne by Haryana Urban Development Authority. The balance area has been loaded proportionately on the salable area of the respective sectors.

vi) The Ghaggar land was acquired for flood protection work in the absence of which the sector falling along river Ghaggar may have to face flood, therefore enhancement of this land is chargeable to the salable area of the sectors on proportionate basis as per speaking order. As per CAG report for the year ended 31.03.2004 Ghaggar land of sector-24 to 28 was 402.75 acre, out of this 131.10 acre has been planned and now 271.65 acre only is falling under river Ghaggar out of total acquired land of 1154.26 acre. In the revise calculation, as per speaking order the load of this area has been proportionately divided on salable area.

The CAG para was also dropped by the PAC during oral examination on dated 14.07.2009 copy annexed at **R-VIII**.

vii) HUDA has transferred 13.24 acre land to the forest Department not 17.80 acre, in exchange of dumping ground at Village Jhuriwala. The benefit of this land has been given in the revise calculation.

viii) The total land for the development of sector-24 to 28 is 1154.26 acres. The enhanced compensation has been charged proportionately for the area planned for each sector.

ix) As per speaking order 50% educational facility is to be transferred to the education department free of cost and 50% is salable through auction. 50% of school sites, and crèches have been taken as salable area.

x) The social and charitable institutional are created for the benefit of the residents of the sectors. Therefore it is considered as non saleable area and the amount of E.C. is recovered from saleable area.

The plots under EWS category are allotted at concessional rate through cross subsidization. Therefore, the burden of enhanced compensation is recovered from the other allottees through cross subsidization. The matter of charging the enhanced compensation from the allottees of EWS category was

[Handwritten signature]

decided by the Hon'ble Punjab and Haryana High Court in CWP No. 1483/1997 in the case of Bishan Sawrup and others which also got finality in the Hon'ble Supreme Court of India on 11.02.2000. Accordingly the burden of enhanced compensation of area under EWS plots/Ashiana Scheme needs to be charged proportionately from the sealable area of the sector.

- xi) In sector-26, 40.80 acre land of HSEB has been excluded while calculating the revised enhancement.
 - xii) As per speaking order common facilities have been loaded proportionately on the saleable area, 50% of the educational facilities are treated as sealable and 50% are treated as non-sealable, which is transferred to Education Department free of cost. The burden of enhanced compensation of shopping area is borne by Haryana Urban Development Authority. The area under common facilities i.e. 50% of educational facilities, religious sites, roads, open spaces, other amenities are loaded proportionately on the saleable area which is 104.74 acres instead of 82.29 acres. Therefore, it is incorrect to say that the entire amount of enhanced compensation is charged from the residential plots.
 - xiii) Enhancement is chargeable from the allottee as per clause no. 9 of the allotment letter as explained in above paras.
 - xiv) No double standard is adopted only the amount paid to the land owner is recovered from the allottees.
 - xv) Only enhancement compensation awarded by the competent court is being demanded.
 - xvi) The tentative price was Rs. 740/- per sq. yd. fixed during the year 1992-93 and no amount of enhancement compensation incorporate in it. The plot was allotted to the petitioner during the year 1996 @ Rs.1266.20 per sq.mtr. or Rs.1058.70 per sq. yd. after adding the holding cost from the year 1992-93 till 1995-96. No element of enhancement compensation was added while allotting the plot to the petitioner. Thus the petitioner is liable to pay the revised enhancement @ Rs. 933.81 per sq. yd. and Rs.140.38 per sq.yd. however, the amount deposited of Rs. 6.25 lacs will be adjusted against this enhancement and if found any excess amount, the same will be refunded with interest @ Rs.15% P.A.
 - xvii) As above.
 - xviii) As above.
 - xix) The enhancement has been revised as per speaking orders and is payable by the petitioner according to the terms and conditions of the allotment letter.
- 12 i) The enhancement has been revised as per speaking orders and is payable by petitioner according to the terms & conditions of the allotment letters.
- ii) The enhanced compensation of sector-25, Panchkula works out to Rs.104,94,40,344/- as explained in para 4 above and is chargeable from the sellable area of 104.74 acres after loading the burden of non-saleable area

proportionately on the saleable area.

- iii) The area under the shopping centre has been excluded and the burden of enhanced compensation of shopping centre including the burden of proportionate area of common facilities is borne by HUDA. Therefore the demand of enhanced compensation is legal lawful and justified.
- v) As explained in para 11(xvi) above.

13. Prayer before Hon'ble Court.

14. i to v) The Resident Welfare Society, Sector-26, filed CWP No. 18681/2011 (O&M) regarding enhancement compensation, in the compliance of Hon'ble High Court order, this office has passed a speaking order on dated 18.01.2012 to revise the enhancement, which is made applicable to Sector-24, 25, 26, 27 and 28, Panchkula by HUDA and the enhancement has been revised.

At the time of hearing on 06.06.2013 the petitioner submitted the additional points which are decided as under:-

1. HUDA had calculated the enhancement on the basis of layout plan supplied by CTP, HUDA. However, the layout plan may vary time to time as per requirement. It is pertinent to mention here that when 5th enhancement was raised by HUDA, then, the representative of Joint Action Committee Sector-25 to 28 approached to C.A. HUDA to reconcile the area and payment detail and a CWP No. 18681 was also filed against the enhancement. In this CWP Hon'ble High Court has ordered to give hearing to the petitioners and further ordered to pass a speaking order, which is placed at F/A.

After hearing the petitioner, a speaking order was passed after reconciliation all the points as objected by petitioner as well as by the representative of Joint Action Committee, Sector-25 to 28, Panchkula.

On the basis of speaking order, all 5 no. enhancement issued earlier was revised and the benefit of reduction alongwith 15% interest was given to the allottees of Sector-25 to 28, Panchkula and the same benefit was given to the petitioner. However, revised calculation sheet was attached with the revised notices.

2. The enhancement of unplanned land i.e. 1.64 acres is being borne by HUDA and this area is bearing the enhancement of 1.45 acres of common land. However, there is only 93.56 acres land of common facilities including land under HT line, Road, Communication zone and area under Nadha Choe, which is loaded over saleable area as explained in revise notice.
3. The area in detail as per layout plan of Sector-24, 25, 26, 27 and 28, Panchkula is as under:-

Sec- No.	Acquired area (in acre)	Net planned	Ghaggar area	Communication / rec zone
24	120	44.00	76.00	0.00
25	218.30	183.19	11.34	17.76+5.97
26	328.04	253.66	67.68	6.70
27	238.62	191.42	42.61	4.59
28	249.30	172.58	74.02	2.70
	1154.26	844.85	271.65	37.72

The unplanned Ghaggar area of Sector-25 to 28 is 271.65 acres and out of which 11.34 acres of sector-25 was acquired for flood protection work in the absence of which the sector falling along river Ghaggar may have to face flood, therefore enhancement of this land is chargeable to the salable area of the sector-25 on proportionate basis as per speaking order.

4. As per latest layout plan there are planned 5 no. sectors and detail has been verify by DTP, CTP and LAO. The Sector wise detail of land is explained in point no. 3 and attached with the revise enhancement notice also, hence there is no cryptic calculation.
5. As explained in point no. 4 and 5.
6. As explain in para no. 4, there are 5 no. sector developed as per latest layout plan and total area of Sector-24, 25, 26, 27 and 28, is 1154.26 acres.
7. The Para has dropped by PAC.
8. The Para has been dropped after deliberate discussions in the PAC.
9. -Do-
10. -Do-
11. -Do-
12. -Do-
13. -Do-
14. There are 9.45 acres of land for education sites, as per HUDA policy, 50% sites of educational institute is allotted to education department free of cost i.e. 4.73 acres and 50% sites are being sold by way of ' auction i.e. 4.72 acres, so the benefit of 50% saleable area has been given while revising the enhancement and only 50% area is treated as facilities.

15. Land Acquisition Officer had paid the enhancement amount as per Land Acquisition Act, 1894 or as ordered by the Hon'ble Court. In the Act there is provision of payment of 15% interest while making the payment of enhancement compensation to the land owner as per section 28 of the Act. So, there is no mistake at the part of department.
16. Land Acquisition Officer had made the payments after exhausting all the formalities and it is procedural delay to raise the enhancement.
17. The benefit of 13.24 acres land was given while revising all the 5 no. enhancement which was transferred to Forest Department.
18. As speaking order passed in the case of CWP No. 18681 of 2012, common areas like police station, crimination ground, sewerage treatment plant, area under graveyard, area under fire station, area under water works was planned for the allottees Sector-25 to 28 and the burden of enhancement of these sites have been divided proportionately on saleable area of sector-24 to 28. Hence, HUDA has not put the liability completely on the plot holder.

Ear-marked sites of dispensaries, health centre, police station are planned for other department and transferred to them either free of cost or at nominal lease money of Rs.100/- per year.

19. As per Land Acquisition Act, 1894.
20. HUDA made all payment to the land owners from owns fund and after that collected it from the allottees.
21. Extension fees are being utilized for maintenance of sectors.
22. 19.04 acres area under HT line loaded on the total saleable area of sector i.e. 104.74 acres.
23. HUDA pays the interest to the land owner @ 15% P.A. as per Land Acquisition Collector Act and HUDA charged @ 15% P.A. form the allottees.
24. LAO had acquired 1154.26 acre of land for the development of these sectors as explained above.

Other certain points are replied as under:-

1. Herbal Park:- Herbal park is in sector-26 and it is just like town park. It is Major Park in the extension of Panchkula. This park is used mostly by the people of Panchkula extension Sector-25 to 28, Panchkula and the burden of enhancement of Herbal Park loaded on Sector-25 to 28, Panchkula equally.

2. Crimination Ground and Graveyard:- In Panchkula, there are two cremation ground and one graveyard, one at Sector-20 and another one in Sector-27, Panchkula. The cremation ground carved in sector-27 is for the benefit of sector-25 to 28 and the

liability of enhancement of these areas is divided proportionately between the allottees of Sector – 25 to 28, Panchkula and these types of facilities cannot be restricted to the other people as and when it is used.

3. (a) Area under Communication Zone:- As per approved periphery Development Plan, a communication zone of 300ft. (91.5M) wide was reserved along the NH-73, NH-22 and NH-21/A, to which, the area was planned and acquisition proposal was made as per the Periphery Controlled Area Plan. Layout Plan of Sector-25, 26, 27 and 28 were prepared by reserving a communication zone of 300 ft. (91.5M) width. This was reduced to 30 meter wide restricted belt later on in the explanatory note. Now, as per approved Development Plan of Panchkula Extension the restricted belt has been kept as 30 meter except in Sector-25, 26, 27 and 28 wherein the communication zone was not reduced since 400 KV HT line is passing through this zone and after reserving the influence zone, the said HT line, balance area could not be put to any gainful use as no construction is permitted under the ROW of the said line which is 52M.

The area under communication is 17.76 acre out of this 13.24 acres has been transfer to forest Department and excluded from the calculation of enhancement of Sector-25. However, only 4.52 acres land of communication zone has been loaded on sector-25. The area of 6.70 acres falling in the communication zone is also recoverable from the saleable area of sector-26, Panchkula

(b) Recreational Zone (Nadan Choe):- In recreational zone 5.97 acre land has been carved out as saleable in city centre and the benefit of this area as saleable was given to Sector-25, 26, 27 and 28, Panchkula and it has reduced the burden of enhancement.

4. Religious Sites:- Religious sites is developed for the allottees. So, the load of religious sites is borne by saleable area.

5. Educational Institution:- There are 9.45 acres of land for education sites. As per HUDA policy, 50% sites of educational institute facilities is allottee to education department free of cost i.e. 4.73 acres and 50% sites are being sold by way of auction i.e. 4.72 acres, so of 50% saleable area has been given while revising the enhancement and only 50% area is treated as facilities.

6. **Allotment of land to EWS Category:-** The land is given free of cost in respect of Ashiana Scheme, Similarly, the plots under EWS category are allotted at the concessional rates through cross subsidization. Therefore, the burden of the land cost/subsidized land cost and its enhanced compensation is recovered from the other allottees through cross subsidization. The matter of charging the enhanced compensation from the allottees of EWS category was decided by the Hon'ble Punjab and Haryana High Court in CWP No. 1483/1997 in the case of Bishan Sawrup and others which also got finality in the Hon'ble Supreme Court of India on 11.02.2000. Accordingly the burden of enhanced compensation of area under EWS plots Ashiana Scheme needs to be charged proportionately from the sealable area of the sector.
7. **Electric complaint centre:-** Area under electric sub-station (1.25 acre), which is meant for Sector- 25, 26, 27, 28 and divided proportionately however, 0.70 acre area of complaint centre is consider only for sector-25.
8. **Public and Semi-public use:-** 10.96 acre of public and semi public is treated as saleable and this area has taken the load of enhancement of common facilities of 9.79 acres as explained in revise notice, which is already issued.
9. **Area under HT Line:-** As per approved periphery Development Plan, a communication zone of 300ft. (91.5M) wide was reserved along the NH-73, NH-22 and NH-21/A, to which, the area was planned and acquisition proposal made as per the Periphery Controlled Area Plan. Layout Plan of Sector-25, 26, 27 and 28 were prepared by reserving a communication zone of 300 ft. (91.5M) width. This was reduced to 30 meter wide restricted belt later on in the explanatory note. Now, as per approved Development Plan of Panchkula Extension the restricted belt has been kept as 30 meter except in Sector-25, 26, 27 and 28 wherein the communication zone was not reduced since 400 KV HT line is passing through this zone and after reserving the influence zone, the said HT line, balance area could not be put to any gainful use as no construction is permitted under the ROW of the said line which is 52M.
10. **Interest component:-** It was not possible to pay the enhancement in one go. It is a time consuming process. However, as per speaking order passed in CWP No. 18681 of

2011 all the enhancement has been revised and benefit of reduction alongwith 15% interest has been given in the revise 5th enhancement notice because HUDA has charged 15% interest from the allottees as well as paid to the land owners. So, HUDA is charging interest as per Land Acquisition Act, 1894 and it is in order.

As per above, it is submitted all the relevant information have been reconciled and notices of enhancement has already been revised and issued to the petitioner so, there is no need to the revise the enhancement.

Conclusion:-

All the points have already been taken care as explained above, while revising the enhancements of sector-25, Panchkula which was already revised on the basis of speaking orders passed in CWP No.18681 of 2011 (O&M). Thus there is no need to revise the enhanced compensation. The copy of this speaking order may be conveyed to the petitioner societies through registered post.


DA, HUDA
Panchkula


CE, HUDA
Panchkula


CTP, HUDA
Panchkula


CCF, HUDA
Panchkula


Administrator(HQ)
HUDA Panchkula.