# High Court of Pur Chan

# IN

Sub-Head No.
File No.

CWP-16503-2011

S. No.		Brief abstract
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## IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P.No. 6503 of 2011

Raghbir Singh and others

**Petitioners** 

Versus

State of Haryana and others

Respondents

order 4 DFA

(A) INDEX

S.No. Particulars		Dates	Pages	Court Fee
$\overline{1}$ .	List of Events and dates	23.08.11	01-03	Nil
2.	Civil Writ Petition	23.08.11	04-13	950.00
3.	Affidavit	23.08.11	14	Nil
4. 5.	Annexure P1 (Notification)	07.12.07	15-20	03.90
5.	Annexure P2 (Order)	22.07.09	21-26	03.90
6.	Annexure P3 (Legal Notice)	03.06.11	27-28	01.30
7.	Annexure P4 (Reply)	08.07.11	29-30	01.30
8.	Power of Attorney	20.08.11	31	02.65
				8-1

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Note:

The main law points involved in this writ petition are mentioned in para 13 at page 11

2. Relevant Statutes/Rules: Constitution of India

Whether any Caveat has been filed or not: No 3.

Nil 4. Any other case

2 cho

Total Rs 9 63.05

Chandigarh

Dated:23.08.11

(S.S.KHARB) Enrl.No.P-296/1999

Advocate

Counsel for the petitioners

# IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P.No. 503 of 2011

Raghbir Singh and others

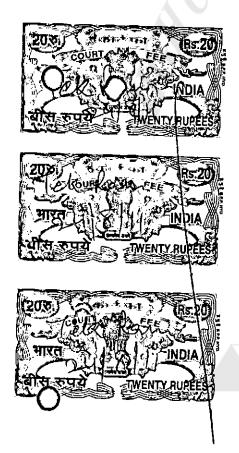
**Petitioners** 

Versus

State of Haryana and others

Respondents

(B)Total Court Fee Rs:964-00





Chandigarh Dated:23.08.11 (S.S.KHARB) Advocate Counsel for the petitioners

# IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

/6503 IN C.W.P.No. \_\_\_\_of 2011

Raghbir Singh and others

Petitioners

Versus

State of Haryana and others

Respondents

# LIST OF EVENTS AND DATES

- 03.05.05 Land of the petitioners was acquired by the respondent No.1 for the respondent No.3 and to this effect, Notification under Section 4 of the Land Acquisition Act for the purpose of setting up world class <u>PETRO CHEMICAL HUB</u> by the respondent No.3. The respondent No.3 is well aware of the Annuity amount to be paid to the petitioners.
- O7.12.07 Government of Haryana i.e. respondent No.1 issued Notification to the effect that the land owners, whose land has been acquired by the Government of Haryana, will be paid annuity for 33 yeas and above the usual land compensation.
- No.5861 of 2009, titled as "Narinder Singh and others Versus State of Haryana and others" with prayer for direction to the respondent No.3 to grant annuity to them from the due date with interest @ 19% per annum and continuity to pay the same for 33 years with increase every year as

per the policy notified vide dated 07.12.07. The respondent No.1 passed the speaking order and the said legal notice was decided with conclusion that the respondent No.3 is liable to grant annuity to the petitioners as per policy. Therefore, the respondent No.3 is duty bound to pay the annuity along with all increase and interest @ 18% per annum to the petitioners.

The decision is taken by the State of Haryana that the respondent No.3 is beneficiary after setting up of world class\_PETRO\_CHEMICAL\_HUB and the liability to pay the annuity with increase of Rs.500/- per annum to the land owners is also of the respondent No.3.

The petitioners made various representations to the respondent No.3 as well as State of Haryana on occasions to release the annuity of various Rs.15,000/- per acre per annum with effect from 31.10.06 till realization along with interest @ 18% per annum with an increase of Rs.500/- per annum and continue the same for 33 years in compliance notification policy/ dated 07.12.07 of the (Annexure P1) but the respondent No.3 is not paying any heed to the genuine request of the petitioners.

- 03.06.11 The petitioners served a legal notice-cum-final demand notice upon the respondent No.3 for releasing the annuity amount to the petitioners.
- 08.07.11 The respondent No.3 replied that no such decision has been conveyed with regard to the modalities for payment of annuity by the State of Haryana.
- 23.08.11 Aggrieved by the inaction of the respondent authority especially the respondent No.3 for not releasing the annuity amount to the petitioners, the petitioners being poor farmers are approaching this Hon'ble High Court seeking justice for grant of annuity, hence, this petition.

Chandigarh Dated:23.08.11

(S.S.KHARB)
Advocate
Counsel for the petitioners



चंडीगढ़ 🕻 संघ राज्यक्षेत्र) CHANDIGARH (U.T.)

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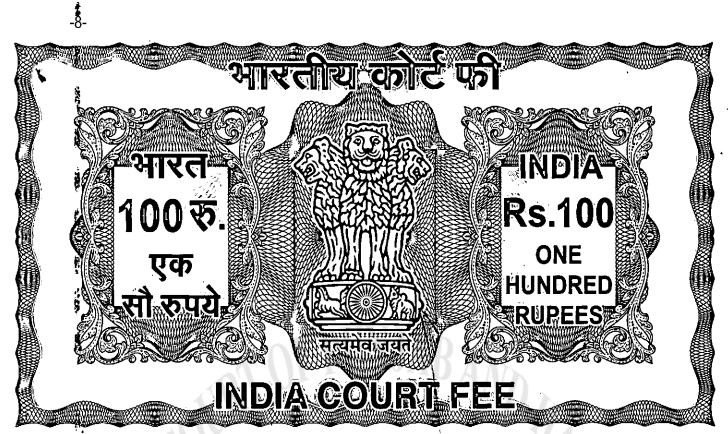
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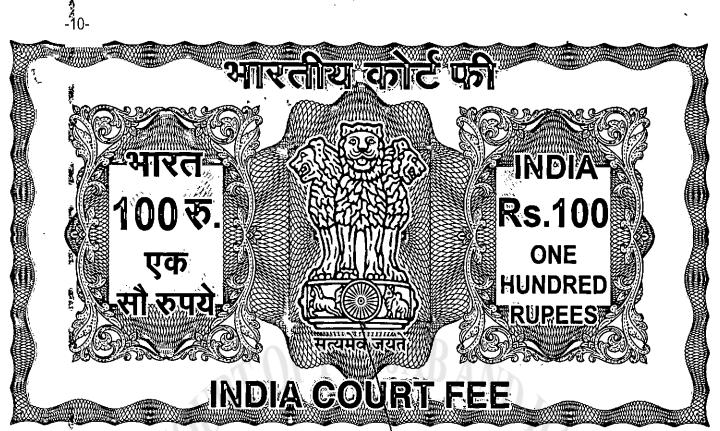
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(S.S.KHARB)

Advocate

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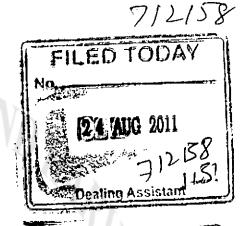
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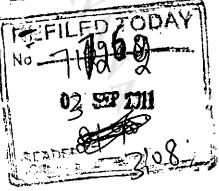
REFINE DETACOURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P.No. \_\_\_\_\_of 2011

Raghbir Singh-S#D Jeet Singh

- 2. Chandgi Ram S/O Jeet Singh
- 3. Raj Pal S/O Jeet Singh
- 4. Parmanand S/O Jeet Singh
- 5. Birmati Devi Wd/O Randhir Singh
- 6. Neelam Devi D/O Randhir Singh
- 7. Naresh Kumar S/O Randhir Singh
- Bhupender Singh S/O Randhir Singh 8.
- 9. Manish Kumar S/O Randhir Singh
- Ram Chander S/O Dhan Singh 10.
- Balbir Singh S/O Dhan Singh 11.
- 12. Samer @ Sumer Singh S/O Dhan Singh
- 13. Ram Pal S/O Kirpa Ram
- 14. Parvin Kumar S/O Kirpa Ram
- Tek Ram S/O Mangal Singh 15.
- 16. Raj Bala W/O Tek Ram
- 17. Om Pati D/O Mangal Singh
- 18. Anil Kumar S/O Tek Ram
- 19. Sushil @ Sunil Kumar S/O Tek Ram All residents of Village Bal Jattsan, Sub Tehsil Matlauda, Petitioners District Panipat.





Versus

- State of Haryana through Financial Commissioner-cum-Principal Secretary to Government of Haryana, Revenue
   Disaster Management Department, Haryana Civil Secretariat, Chandigarh.
- ∠ 2. Deputy Commissioner, Panipat.
- S 3. Executive Director, Indian Oil Corporation Limited, Bohli Refinery, Panipat, District Panipat

Respondents

CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction in the nature of certiorari for quashing the inaction of the respondent authority especially the respondent No.3 for not releasing the annuity amount to the petitioners with effect from 31.10.06 till date and for quashing the reply dated 08.07.11 (Annexure P4) to the legal notice dated 03.06.11 (Annexure P3); AND further

for issuance of a writ in the nature of mandamus directing the respondents especially the respondent No.3 to release the annuity amount @ Rs.15,000/- per acre per annum with increase by a fixed sum of Rs.500/- per annum with effect from 31.10.06 till realization along with interest @ 18% per annum in view of the Annuity Policy dated 07.12.07 (Annexure P1) and the order passed by the Government of Haryana vide Endorsement No.1664-R-5-2009-1977, dated 22.07.09 (Annexure P2);

### AND/OR

to issue any other writ, order or direction which this Hon'ble High court may deem fit and proper under the peculiar circumstances of the case:

### RESPECTFULLY SHOWETH:

- 1. That the petitioners are residents of State of Haryana and thus being citizens of India, they are competent to invoke the extraordinary writ jurisdiction of this Hon'ble High Court under Articles 226/227 of the Constitution of India.
- That the land of the petitioners was acquired by the respondent No.1 for the respondent No.3 and to this effect, Notification No.32-10-2005-4-IBI (A), dated 03.05.05 was published in Haryana Government Extraordinary Gazette dated 03.05.05 under Section 4 of the Land Acquisition Act for the purpose of setting up world class PETRO CHEMICAL HUB by the respondent No.3. To this effect, Notification under Section 6 of the Land Acquisition Act was published vide dated 07.12.07. No.51-R-V-2007/13258, Notification Thereafter, other procedure was completed to acquire the land qua the petitioners and the possession of the land of the petitioners was taken by the respondent No.1 and the same was handed over to the respondent No.3.
- 3. That it is not in dispute that the details of land of petitioners are already given to the respondent No.3 and the

representation and demand notice are sent to the respondent No.3 several times. Therefore, the respondent No.3 is well aware of the Annuity amount to be paid to the petitioners for the land acquired by them for setting up of world class <u>PETRO</u> CHEMICAL HUB.

- 4. That the Government of Haryana i.e. respondent No.1 issued Notification vide dated 07.12.07 to the effect that the land owners, whose land has been acquired by the Government of Haryana, will be paid annuity for 33 yeas and above the usual land compensation. The amount of annuity will be Rs.15,000/- per acre per annum and the annuity of Rs.15,000/- will be increased by a fixed sum of Rs.500/- per annum. The true typed copy of the Notification dated 07.12.07 is attached as **Annexure P1**.
- 5. That Narinder Singh and others filed a Civil Writ Petition No.5861 of 2009, titled as "Narinder Singh and others Versus State of Haryana and others" with prayer for direction to the respondent No.3 i.e. Indian Oil Corporation Limited, Panipat Refinery, Bohli District Panipat through its Executive Director, to grant annuity to them from the due date with interest @ 19% per annum and continuity to pay the same for 33 years with increase every year as per the policy notified vide dated 07.12.07. This Hon'ble High Court disposed of the said writ petition with a direction to the State of Haryana to decide the legal notice of the petitioners in accordance with the law

within 2 months from the date of receipt of a copy of this order by passing a speaking order. Thereafter, the respondent No.1 passed the speaking order and the said legal notice was decided with conclusion that the respondent No.3 is liable to grant annuity to the petitioners as per policy dated 07.12.07 and 22.10.08 (Group Annuity Scheme for payment of annual funds to the land owners) for the reason that financial liabilities will be borne by the Government of India and no such liability will be borne by the State Government. Therefore, the respondent No.3 is duty bound to pay the annuity along with all increase and interest @ 18% per annum to the petitioners with effect from 31.10.06 till realization. The true copy of the order dated 22.07.09 passed by the respondent No.1 to fix the liability of the respondent No.3 is attached as **Annexure P2**.

- 6. It is an admitted fact of the case that the land of the petitioners was acquired by the State of Haryana for setting up of world class <u>PETRO CHEMICAL HUB</u>, to be set up by the Government of India and thereafter the decision is taken by the State of Haryana that the respondent No.3 is beneficiary after setting up of world class <u>PETRO CHEMICAL HUB</u> and the liability to pay the annuity with increase of Rs.500/- per annum to the land owners is also of the respondent No.3.
- 7. That the petitioners made various representations to the respondent No.3 as well as State of Haryana on various occasions to release the annuity of Rs.15,000/- per acre per

annum with effect from 31.10.06 till realization along with interest @ 18% per annum with an increase of Rs.500/- per annum and continue the same for 33 years in compliance of the policy/ notification dated 07.12.07 (Annexure P1) but the respondent No.3 is not paying any heed to the genuine request of the petitioners. At every time, the respondent No.3 is assuring the petitioners that annuity will be paid to them. Unofficially, the officer of the respondent No.3 told the petitioners that the respondent No.3 does not want to pay the annuity amount to the petitioners as the big amount of interest is accruing on the annuity amount in the account of the respondent No.3. There is no other reason for not paying the annuity amount to the petitioners, rather the respondent No.3 is delaying the matter without any reason. The petitioners personally also visited the office of respondent No.3 number of times and every time the respondent No.3 is assuring them that annuity amount will be paid to them within a short period but till date the said annuity amount is not paid to the petitioners.

- 8. That after waiting for a sufficient time, the petitioners served a legal notice-cum-final demand notice dated 11.03.06 to the respondent No.3 for releasing the annuity amount to the petitioners. The true copy of the legal notice dated 03.06.11 is attached as **Annexure P3**.
- 9. The respondent No.3 replied the said legal notice through his counsel vide dated 08.07.11 and replied that no such

decision has been conveyed with regard to the modalities for payment of annuity by the State of Haryana. The respondent No.3 has shown inability to deposit the amount of annuity, which is recurring liability in absence of definite instructions for lining up the agency for payment of annuity from the Government of India. The true copy of the reply dated 08.07.11 is attached as **Annexure P4**.

- 10. That the petitioners are poor farmers and their land has been acquired a long ago and they are waiting for the annuity amount since 31.10.2006 but till date, neither the State of Haryana nor the respondent No.3 is taking any keen interest to release the said annuity amount to the petitioners without any reason best known to them. Therefore, the inaction of the respondent No.3 is illegal, uncalled , unjust, arbitrary and against the policy decision dated 07.12.07 (Annexure P1) and order dated 22.07.09 (Annexure P2) passed by the State of Haryana.
- 11. That the petitioners are running from pillar to post to redress their grievances for releasing the annuity amount for the land acquired by the State of Haryana for setting up of world class PETRO CHEMICAL HUB, to be set up and owned by the Government of India i.e. respondent No.3 but no authority is taking any effective step to release the said annuity amount to the petitioners and the future of the petitioners is kept in abeyance for the last 5 years.

- 12. That the inaction of the respondent authority especially the respondent No.3 for not releasing the annuity amount to the petitioners is not only illegal, unjust, unfair, arbitrary, uncalled for but also against the policy/ notification dated 07.12.07 (Annexure P1) and order dated 22.07.09 (Annexure P2) passed by the respondent No.1. Therefore, the act and conduct of the respondent No.3 is liable to be set aside and strict direction be issued to the respondent No.3, to release the annuity amount to the petitioners.
- 13. That the following substantial questions of law are involved in the present case:-
- i) Whether the inaction of the respondent No.3 for not releasing the annuity amount to the petitioners is illegal and arbitrary?
- ii) Whether the action of the respondent No.3 is against the policy/ notification dated 07.12.07 (Annexure P1)?
- iii) Whether the respondent No.3 is duty bound to pay the annuity amount in view of the order dated 22.07.09 (Annexure P2) passed by the respondent No.1?
- per annum with effect from 31.10.06 till realization along with the increase and continue the same annuity amount from the respondent No.3 for 33 years?
- v) Whether grave and manifest injustice has been caused to the petitioners?

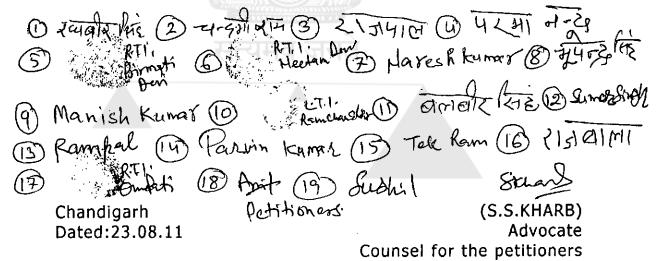
- 14. That there is no other remedy of appeal or revision available to the petitioners, except to approach this Hon'ble High court under Articles 226/227 of the Constitution of India.
- 15. That no such or similar writ petition has earlier been filed by the petitioners either in this Hon'ble High court or in the Hon'ble Supreme court of India.

It is, therefore, respectfully prayed that this Hon'ble High court may kindly be pleased to call for the records of this case and after perusing the same, be further pleased to grant the following reliefs to the petitioners:-

- To issue a writ of certiorari for quashing the inaction of the respondent authority especially respondent No.3 for not releasing the annuity amount to the petitioners with effect from 31.10.06 till date and for quashing the reply dated 08.07.11 (Annexure P4) to the legal notice dated 03.06.11 (Annexure P3);
- to issue a writ of mandamus directing the respondents especially the respondent No.3 to release the annuity amount @ Rs.15,000/- per acre per annum with increase by a fixed sum of Rs.500/- per annum with effect from 31.10.06 till realization along with interest @ 18% per annum in view of the Annuity Policy dated 07.12.07 (Annexure P1) and the order passed by the Government

of Haryana vide Endorsement No.1664-R-5-2009-1977, dated 22.07.09 (Annexure P2);

- iii) to issue any other appropriate writ, order or directions which this Hon'ble High Court may deem fit and proper under the peculiar circumstances of the case in favour of the petitioners;
- iv) to dispense with the filing of certified copies of Annexures;
- to dispense with the services of advance notices upon the respondents;
- vi) allow the writ petition of the petitioners with costs.



#### **VERIFICATION:**

Verified that the contents of paras 1 to 11, 14 & 15 of the writ petition are true and correct to my knowledge and that of para 13 are based on legal advice which is believed to be correct. No part of it is false and nothing has been concealed therein.

Chandigarh Dated:23.08.11

Telk Ram Peditioner No. 15

## IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P.No. 650 of 2011

Raghbir Singh and others

**Petitioners** 

Versus

State of Haryana and others

Respondents

Affidavit of Tek Ram S/O Mangal Singh, R/O Village Bal Jattan, Tehsil Panipat, District Panipat:

I, the above named deponent do hereby solemnly affirm and declare as under:-

That the deponent verifies that the contents in paras 1 to 11, 14 & 15 of the writ petition are true and correct to my knowledge and as per the instructions of deponent. Legal submissions have been made in para 13 on the advice of my counsel, which I believe to be correct. No such or similar writ petition has been filed by the deponent either in this Hon'ble

Court or Hon'ble Supreme Court of India.

Chandigarh

Dated:23.08.11

Tell Ram Depenent

#### **VERIFICATION:**

Verified that the contents of aforesaid affidavit are true and correct to my knowledge. No part of it is false and nothing material has been kept concealed therefrom. facts stated to me in vernacular have been heard and found to be correct.

Chandigarh

Certified that the above statement on Ram

Dated: 23.08.11 number of 18 Before me on lett rame on the rame of the son of praise thought and

Mr. J. Khesh ::: P3701994 ::: \::: Down\toade@onto 11-06-2017 11:26:03 :::

> Oath Commissioner Punjab & Harvana High ( ana High Court

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Annexure P1

# HARYANA GOVERNMENT REVENUE AND DISASTER MANAGEMENT DEPARTMENT

#### **NOTIFICATION**

. a7th December, 2007

No.5451-R-V-2007/13258- The Governor of Haryana is pleased to formulate a policy for rehabilitation and resettlement of landowners- land acquisition oustees. The policy is given in Annexure A.

- 1. The operational details, keeping in view the above policy, would be worked out by the respective departments and agencies.
- 2. This policy issues with the concurrence of the Finance Department conveyed vide their U.O.No.1/17/2007-4FG-II/2395, dated 28<sup>th</sup> November, 2007.
- 3. The above policy may be brought to the notice of all concerned for compliance.

Dharam Vir Financial Commissioner & Principal Secy to Govt of Haryana, Revenue & Disaster Management Deptt

# POLICY FOR REHABIITATION AND RESETTLEMENT OF LAND OWNERS- LAND ACQUISITION OUSTEES

- 1. Annuity
- i. The land owners will be paid annuity for 33 years over and above the usual land compensation. The amount of annuity will be Rs.15000 per acre per annum

- ii. Annuity of Rs.15000 will be increased by a fixed sum of Rs.500/- every year
- iii. In respect of land acquired in terms of land acquisition policy for setting up of Special Economic Zone/ Technology Citieis, Technology Parks, in addition to rehabilitation and resettlement package notified by Industries and Commerce Department vide No.49/48/2006-4IBI, dated 4<sup>th</sup> May, 2006 a sum of Rs.30000/- per acre per annum will be paid for a period of 33 years by private developers and this annuity will be increased by Rs.1000/- every year.
- iv. The policy of paying annuity will be applicable to all cases of land acquisition by Govt. except land acquired for defence purpose.
- 2. Allotment of plots by Haryana Urban Development
  Authority and Haryana State Industrial Infrastructure
  Development Corporation Limited.
- i. The allotment will be made to each co-sharer depending upon his share in the land acquired for Haryana Urban Development Authority and Haryana State Industrial Infrastructure Development Corporation Limited as per scale mentioned in the entitlement.
- ii. Plots under this policy would be offered if the land proposed to be acquired is under the ownership of oustees on the date of publication under Section 4 of the Land Acquisition Act and if 75% or more of the total land

٧.

owned by the owner in that Urban Estate is acquired. Only one time benefit of this policy will be given to the land owners whose land is acquired in pocket at different times. In case, the land owner becomes entitled for a bigger size plot due to subsequent acquisition of his land then differential of the plot already allotted to him as hall be allowed to him.

- iii. This benefit will not be allowed to the applicant whose land has been released and he will not make such request to the Government for release of his land.
- iv. No litigation should be pending except that of enhanced compensation in any court.
  - The maximum size of the plot to be allotted will be Since livelihood of the restricted to 350 sq.yards. farmers predominantly depends upon his agriculture income and shops, in order to provide the affected land owners/ farmers, a long term sustainable source of income, in addition to the residential plot, commercial sites, measuring  $2.75 \times 2.75$  mtr may be allotted in Harvana Urban Development Authority Sectors. Such allotment shall be made to each co-sharer provided his share exceeds 2.5 acres, otherwise all the co-sharers will be allotted a single site. Director, Town and Country Planning Haryana will allow additional component of commercial use in the Sector if the booths are separately respect of Haryana Sate Industrial provided. In Infrastructure Development Corporation Limited, mixed

land use of residential and commercial will be allowed for which a detailed scheme shall be worked out by Haryana State Industrial Infrastructure Development Corporation Limited.

- vi. In case the land is acquired for purposes other than residential sector, the plots as mentioned in para (v) above will be allotted in the residential sector to be developed next in that urban estate.
- vii. The development agency will earmark a separate chunk of land preferably close to the village as part of the Toshi Abadi, area in the close vicinity of the village will be set apart not only for rehabilitation but also for necessary village social infrastructure.
- viii. The land required for social infrastructure could either be exchanged with the land of village panchayat or the land acquired in continuity of the village can be transferred to village panchayat together with the infrastructure developed thereon for its day to day management.
- ix. The sale price of residential plots will be kept as the issue price of the respective plot. In the case of commercial area of kiosks i.e. 2.75 mtr x 2.75 mtr, the sale price will be 3 times of the nodal price of the residential plot.
- The rehabilitation policy will also be applicable to those land owners whose residential structures/ houses/ dwelling units fall within alignment of essential

infrastructure services and is acquired under urgency clause.

- xi) The plot sizes for allotment are given as under:-
- a. In case where only land is acquired.

Land/ area acquired (each	Size of residential plot		
allotment)	to be allotted		
100 to 500 sq.yd	3 marla		
501 to 1000 sq.yd	4 marla		
1001 sq.yds to ½ acre	6 marla		
Above ½ acre to ¾ acre	8 marla		
Above ¾ acre to 1 acre	10 marla		
One acre and above	14 marla		

b. In case of constructed residential structures acquired, the plots sizes will be as under:-

Size of the residential house	Size of residential plot		
acquired	to be allotted		
Upto 100 sq.yd	50 sq.yd		
Above 100 sq.yd and upto 200	100 sq.yd		
sq.yd			
Above 200 sq.yd and upto 300	150 sq.yd		
sq.yd			
Above 300 sq.yd and upto 400	200 sq.yd		
sq.yd			
Above 400 sq.yd and upto 500	250 sq.yd		
sq.yd			
Above 500 sq.yd	350 sq.yd		
27 of 60			

Oustees will have choice to opt for either (a) or (b) above which he will have to communicate to concerned land Acquisition Officer 30 days of the announcement of award otherwise it will be decided by the concerned agency.

- 3. Haryana State Industrial Infrastructure Development Corporation Limited and Haryana Urban Development Authority would take steps for creation of social infrastructure and/ or employment in the villages falling within the acquired land under their policy.
- 4. The policy for allotment of plots will be applicable only for lands acquired for Haryana Urban Development Authority and Haryana State Industrial Infrastructure Development Corporation Limited.
- 5. This policy will be applicable with effect from 5<sup>th</sup> March, 2005 and cover all those cases of acquisition in which awards of compensation were announced on or after 5<sup>th</sup> March, 2005.

Sd/-Dharam Vir Secy to Govt of

Financial Commissioner & Principal Secy to Govt of Haryana, Revenue & Disaster Management Deptt

TRUE COPY

**ADVOCATE** 

#### Annexure P2

# Haryana Government Revenue & Disaster Management Department

#### ORDER:

Whereas S/Shri Narender singh and others filed CWP No.5861 of 2009 titled as Narender singh and others Versus State of Haryana and others for a direction to the respondent No.3 i.e. Indian Oil Corporation Ltd., Panipat Refinery Baholi, District Panipat through its Executive Director to grant annuity to them from the due date with interest @ 18% p.a. and continue to pay the same for 33 years as per the policy circulated vide notification dated 7.12.2007 as the award No.1 was announced by the Land Acquisition Collector, Panipat on 31.10.2006 and the petitioners oustees are entitled under condition No.5 of the annuity policy (Annexure P3. The legal notice dated 27.8.2008 was served to the respondents in this regard.

2. And whereas the above said CWP No.5861 of 2009 came up for hearing on 4.5.2009 before the Hon'ble Punjab and Haryana High Court, wherein the following order was passed:-

"Grievance in this petition is that legal notice dated 27.8.2008, Annexure P5 has been duly served to respondent no.1 but no response is being given thereon.

Without expressing any opinion on merits, we direct respondent no.1 to decide the said legal ntice of the petitioner in accordance with law within two months

from the date of receipt of a copy of this order by passing a speaking order.

The petition is disposed of."

And whereas the order dated 4.5.2009 passed in 3. C.W.P.No.5861 of 2009 was received from the Hon'ble High Court on 26.5.2009. The copy of said CWP and legal notice dated 27.8.2008 were not received in this department. The copies of the said documents were collected from Shri Arvind Singh, counsel for the petitioners on 09.06.2009. It is revealed that the legal notice dated 27.08.2008 has been served upon the State of Haryana through Collector, Panipat, Land Acquisition Collector-cum-DRO, Panipat and Indian Oil Corporation Ltd., Panipat Refinery, Baholi, through its Executive Director. Therefore, the report was sought from the Deputy Commissioner, Panipat. The Land Acquisition Collector-cum-DRO, Panipat sent his report dated 18.06.2009, wherein it has been mentioned that legal notice dated 27.08.2008 (Annexure P5) was not received in his office rather another legal notice dated 7.11.2008 was received and in response to that legal notice the Deputy Commissioner, Panipat vide his letters dated 24.12.2008, 3.3.2009, 19.3.2009 and 16.4.2009 requested the Executive Director/ Chief Manager (Administration and Welfare), Indian Oil Corporation Ltd. Panipat Refinery, Panipat for depositing the amount of annuity as per policy of Haryana Government for rehabilitation and resettlement of the land owners- land acquisition oustees, 1

of whose land had been acquired and the land owners were to be granted annuity for 33 years over and above the usual and compensation @ Rs.15,000/- per acre per annum which will be increased by a fixed sum of Rs.500/- every year. In response to this request of Deputy commissioner, Panipat, the Chief Manger (A&W) Indian Oil Corporation Ltd. Panipat Refinery, Panipat, informed vide his letter dated 17.4.2009, that the matter has been sent to the Competent Authority in the head quarter of refinery for approval and necessary action.

And whereas I have gone through the copy of CWP No.5861 of 2009, legal notice dated 27.8.2008, record of the case and the notification dated 7.12.2007 as well as letter/ policy dated 22.10.2008 issued by this department. In para no.1 of the legal notice dated 27.8.2008, it has been mentioned that the land measuring 187 kanal 13 marlas situated in the Revenue Estate of Village Bal Jattan, Sub Tehsil Matlauda, District Panipat belonging to the petitioners was acquired by the Haryana Government through its Industries Department vide notification dated 3.5.2005 under section 4 of the Land Acquisition Act and vide notification dated 18.4.2006 under Section 6 of the Land Acquisition Act for public purposes, namely, for setting up world class Petrochemical Hub by the Indian Oil Corporation Ltd. It has further been mentioned in the legal notice that the petitioners received the compensation for their acquired land under protest and filed petition under Section 18 of the Land Acquisition Act.

And whereas as per record the land in question was 5. acquired by the Haryana government through its Industries Department (now Industries and Commerce Department) for Public purpose, namely, setting up world class Petrochemical Hub by the Indian Oil Corporation Ltd. The annuity shall be borne by the Indian Oil Corporation Ltd. As per the Policy of Govt. of Haryana. The policy dated 7.12.2007 provides that the land owners will be paid annuity for 33 years over and above the usual land compensation. The amount of annuity will be Rs.15,000/- per acre per annum and which to be increased by a fixed sum of Rs.500/- every year. This department has issued another letter/ policy dated 22.10.2008 of Group Annuity Scheme for payment of annual funds to the land owners, whose land has been acquired after 5.3.2005. The relevant portion of para No.1 of the policy is reproduced as under:-

"The land to be acquired by the State Government for govt. of India's projects, the financial liabilities as per the State Rehabilitation and Resettlement Policy, will be borne by the Govt. of India and no such liabilities will be borne by the State Government."

Since the land was acquired by Haryana Govt. through its Industries Department (now Industries & commerce Department) for public purpose, namely, setting up of Petrochemical Hub by Indian Oil Corporation Ltd., an undertaking of Govt. of India and therefore, the payment of annuity is to be made by the IOCL, which is beneficiary of the above said project.

Therefore, in view of the above, the legal notice is decided in view of the directions dated 4.5.2009 of Hon'ble High court with conclusion that Indian Oil Corporation Ltd. Panipat Refinery, Baholi, District Panipat, through its Executive Director (Respondent No.3) is liable to grant annuity to the petitioners as per the policy dated 7.12.2007 (Rehabilitation and Resettlement of land owners land acquisition oustees policy) and 22.10.2008 (Group Annuity Scheme for payment of annual funds to the land owners) for the reason that the financial liabilities will be borne by the Govt. of India and no such liability will be borne by the State Government.

Chandigarh 22<sup>nd</sup> July, 2009

Sd/-Urvashi Gulati Financial commissioner & Principal Secretary to Government Haryana, Revenue & Disaster Management Department

Endst. No.1664-R-5-2009/1977 Chndigarh the 23.7.09

A copy is forwarded to the following for information and necessary action:-

- The Financial Commissioner & Principal Secy to Govt.
   Haryana, Industries & Commerce Department,
   Chandigarh
- The Chief Manager (Administration and Welfare), Indian
   Oil Corporation Ltd., Panipat Refinery, Baholi, District
   Panipat
- The Executive Director, Indian Oil Corporation Ltd.
   Panipat Refinery, Baholi, District Panipat
- 4. The Deputy Commissioner, Panipat
- 5. The Land Acquisition Collector-cum-DRO, Panipat
- 6. Shri Arvind Singh, Advocate, Kothi No.157, Advocate Society, Sector 49-A, Chandigarh

Sd/-Under Secretary, Revenue (LR) For Financial commissioner & Principal Secy to Govt Haryana, Revenue & Disaster Management Department

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Sichary.

**ADVOCATE** 

Angel ACP-3

### S.S.KHARB ADVOCATE

## PUNJAB & HARYANA HIGH COURT

Room No. 3, New Bar Complex, High Court, CHANDIGARH Resi cum Office: #3312 Sector 46-C, Chandigarh Ph. 94171-32559.

To

Executive Director,
Indian Oil Corporation Ltd,
Bohli Refinery, Panipat.

SUB: ADVANCE LEAGL CUM FINAL DEMAND NOTICE.

Dear Sir,

Under the instructions and on behalf of my clients as mentioned below, I do hereby serve upon you with the following advance cum final demand notice:-

- 1. That the advance legal cum final demand notice is served on behalf of following persons namely, a) Raghbir Singh s/o Sh. Jeet Singh, b) Chandgi ram s/o Sh. Jeet Singh, c) Rajpal s/o Sh. Jeet Singh, d) Parma Nand s/o sh. Jeet Singh, e) Birmati Devi wd/o Randhir Singh s/o Sh. Jeet Singh, f) Neelam Devi d/o Randhir Singh, g) Naresh Kumar s/o Randhir Singh, h) Bhupender Singh s/o Sh. Randhir Singh, i) Manish Kumar s/o Randhir Singh, j) Ram Chander s/o Sh. Dhan Singh, k) Balbir Singh s/o Sh. Dhan Singh, l) Samer @ Sumer Singh s/o Sh. Dhan Singh, m) Rampal s/o Sh. Kirpa Ram, n) Parveen Kumar s/o Sh. Kirpa Ram, o) Tek Ram s/o Sh. Mangal Singh, p) Smt. Raj Bala w/o Sh. Tek Ram, q) Om Patti d/o Sh. Mangal Singh, r) Anil Kumar s/o Sh. Tek Ram, s) Sushil @ Sunil Kumar s/o Sh. Tek Ram, all are r/o village Bal Jattan, Sub Tehsil Madlauda, District Panipat, whose land has been acquired by State Of Haryana on behalf of your goodself, for the purpose of setting up World Class PETRO CHEMICAL HUB by Indian Oil Corporation Ltd, vide section 4 of LAC dated 03.05.2005 and under section 6 for the above said purpose.
- 2. That it is admitted facts of the matter that Haryana Government (Revenue & Disaster Management Department) vide notification dated 07.12.2007 made a policy for rehabilitation and resettlement of land owners-land acquisition oustees, by which the land owners will be paid annuity for 33 years over and above the usual land compensation. The amount of annuity will be Rs.15, 000/- per acre per annum and annuity of Rs.15, 000/- will be increased by a fixed sum of Rs.500/- every year.
- 3. That it is also well decided vide CWP No.5861 of 2009 titled as Narender Singh & ors. v/s State of Haryana 9840rs, in Deliver of the decided order that of 20.07.2009 passed by Financial

Commissioner & Principal Secy to Government Haryana, Revenue and Disaster Management Department vide Endst No.1664-R-5-2009 and 1977 dated 23.07.2009, it is decided that since, the land was acquired by Haryana Government through its Industries Department (Now Industries and Commerce department) for public purpose, namely setting up of PETRO CHEMICAL HUB by Indian Oil Corporation Ltd, as undertaking of Government of India and therefore, the payment of annuity is to be made by the 1.O.C.L. i.e. Bohli Refinery, Panipat, which is beneficiary of the above said project and your goodself are liable to grant annuity to my clients as per the annuity policy dated 07.12.2007 and the same is applicable w.e.f. 05.03.2005 and cover all those cases of acquisition in which awards of compensation were announced on or after 05.03.2005 and the award was decided vide dated 31.10.2006 qua my clients.

- 4. Therefore, my clients are entitled for annuity at the rate Rs.15, 000/- per acre per annum, with increase by a fixed sum of Rs.500/- per annum w.e.f. 31.10.2006 till realisation along with interest @ 18% per annum in view of the annuity policy dated 07.12.2007 and orders passed by Government of Haryana vide Endst No.1664-R-5-2009 and 1977 dated 23.07.2009.
- 5. That my clients have approached you on various occasions and even sent representation individually and through counsel but till date no response whatsoever is shown by your goodself for the reasons known to your goodself. This attitude of your goodself is not only in violation of the annuity policy dated 07.12.2007 and order passed by Government of Haryana vide Endst No.1664-R-5-2009 and 1977 dated 23.07.2009 but also contemptuous of the order dated 04.05.2009 passed by Hon'ble High Court vide CWP No.5861 of 2009.

It is, therefore, requested through this legal notice to release the annuity amount i.e. Rs.15, 000/- per acre per annum with fixed increase of Rs.500/- per annum along with interest @ 18% per annum to my clients within a period of 30 days from the receipt of the said notice, failing which, I have the clear instructions from my clients to take the appropriate remedy before competent Court of Law for redressal of their grievances, at your costs and risk.

Copy of this notice has been kept in my office for further action if needed.

PLACE: CHANDIGARH 56 of 60 Sd/- (S.S.KHAIDATED: 03.063701994 ::: ::: Downloaded on 1-06-2017 11:26:03 dvocate

Annexure P4

### R.S.Giroh, Advocate Chamber No.304, District Courts Complex, Panipat

Ref. No. Regd.A.D.

Dated: 30.06.2011/08.07.11

Shri S.S.Kharb, Advocate H.No.3312, Sector 40-C, Chandigarh

Sub: Reply to legal notice dated 3.6.2011

Sir,

This has reference to your legal notice dated 3.06.2011 served by you on behalf of your clients Shri Raghbir Singh son of Shri Jeet singh and 18 others, upon my client namely the Executive Director, Indian Oil Corporation Limited, Panipat Refinery at Baholi, District Panipat. Under instructions and on behalf of my above named client, I hereby reply your notice, in the following manner:-

- That para No.1 of the notice is not disputed being a matter of record and proof.
- 2. That para no.2 of the notice is correct being a matter of record.
- 3. That para no.3 of the notice is also not disputed being a matter of record and proof.
- 4. That para no.4 of the notice has not been correctly stated and as such wrong, hence, denied. No doubt the Govt. of Haryana has formulated a policy for rehabilitation and resettlement of land owners land acquisition oustees but no interest on the amount of annuity is payable as per policy.

5. That in reply to para 5 of your notice, it is submitted that the Govt. of Haryana has decided to line up the IRDA approved Insurance Agencies for channelizing and regulating payment of annuity to the land owners/ land acquisition oustees for a period of 33 years but no such decision has been conveyed with regard to the modality for payment of annuity has been received by my client, in spite of requests, last being of 9.6.2011, to the concerned authority of the department of the Govt. Therefore, my client is unable to deposit the amount of annuity, which is a recurring liability, in absence of definite instructions for lining up the agency for payment of annuity, from the Govt. of Haryana.

You are, therefore, requested to kindly advise your clients to withdraw the notice under reply in view of the facts and circumstances explained above, which will be in their own interest, nor any fruitful purpose would be achieved in case, your clients still opt for any unnecessary litigation in the matter.

Copy kept.

Yours sincerely Sd/-R.S.Giroh

TRUE COPY

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**ADVOCATE** 

Defendent Respondents

# VAKALATNANIA

•		_			•
					CHANDIGARH
In re :	cwp	No.	16503	1200184	
	uhbir S	_	ı		Plaintiff or Delendent
	WKBIP -	7	· · · · · · · · · · · · · · · · · · ·	·	Petitioner or Appella

KNOW ALL the whom these present shall come that I/We, the undersigned appoint

S. S. K.HARB ADVOCATE ROOM NO. 3 HIGH COURT, CHD.

to be the Advocate for the Restaurance in the above mentioned case to do the following acts, deeds and things or any of them, that is to say:

- 1. To act, appear) and plead in the above-mentioned case in this Court or any other Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or Execution or any other stage its progress unit its final decision.
- 2. To present, sign and verify, Pleading, Appeals, Letters Patent Appeals, Cross objections or petition for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- 3. To withdraw or compromise the said case or submit to arbitration any differences or disputes, that shall arise touching or in any manner relating to the said case.
- 4. To deposit, draw and receive moneys as grant receipts thereof by way of costs refund or balance of secrity and other miscellaneous expenses from Courts or parties, and to do all other acts and things which may be necessary to be done for the progress and in the course of prosecution of the said case.
- 5. To employ any other Legal Practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

AND I/We hereby agree to ratify & certify whatever the Advocate or his substitute shall do in the premises/proceedings.

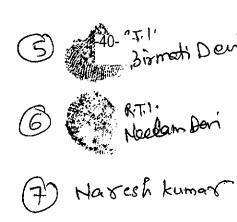
AND IM'e hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing or otherwise.

AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid and if any cost are allowed for an adjournment, the Advocate would be untitled to the same.

AND I/We hereby agree that the Advocate will not bound to appear for us if the case is transferred to any other Court or the Court sits at any place other than its normal place of sitting & if any application or Retention is to be filed in the case, the Advocate will be entitled to a fresh fee in the case.

IN WITNESS WHERE OF I/We here onto set my/our hands to these presents the contents of which have been explained to and understood by me/us.

which have been explained to and understo	od by merus.
This the	day of August 2011
Witness	D दखनीय मिट्
(S.S. KHARB)	গ্রি -এ-ইনা বিদি (Signature or thumb impression) of the Cilent/s
ADVOCATE . P/296/1999 3 # 25 P3701994 17 Downloa Chandinary	9 of 60 3 スパイリロ ded on - 11-06-2017 11:26:03 :::
Chandgart,	4) 41 H 7-29



- 8) 74 4-20 PHE
- 9) Manish Kumar
- (10) Ram Chander 12) Sumezsuph

  - (3) Rampal
  - (14) Patrin kumpa
  - (15) Tek Ram
  - (16) <15101111
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8class

(S.S. KHARB)

Advocati

1986/1999

H 2540, Sec-47-C- CHD. 9417132559-

AND AND

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### IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA

### AT CHANDIGARH

Civil Misc. No. 13460

In CWP No. 16503 of 2011

Raghbir Singh and others

....Petitioners

Versus

State of Haryana and others

....Respondents

#### INDEX

S.No.	Particulars	Date	Pages	Court Fee
1.	Application for placing on record	25.9.2011	1	3
2.	Affidavit	26.9.2011	2	17
3.	Affidavit	26.9.2011	3-5	Y
4.	Annexure A-1 Copy of letter	14.9.2011	6	1
5.	Annexure A-2 Copy of cheque	14.9.2011	7	1
6.	Annexure A-3 Copy of letter	23.9.2011	8	1
7.	Annexure A-4 List of the land owners	गते <u> </u>	9-10	2
8.	Annexure A-5 Copy of application withdrawing the Writ Petition	4.3.2011	11-14	3
9	Powa of Attasney IGPA.	25/9/2011	15-19	3

Note: i) Power of Attorney is already on record.

Copy supplied to opposite Counsel. ii)

[ANAND CHHIBBAR] [RANJIT/CHAWLA]

P-662/1990

P-455/1990

∠P-2608/2010

**Advocates** 

Counsel for the Respondent No.3

Chhibbar & Co.

Resi-գսրթ<sub>0</sub>Office: # 721, Sector 8-B, Chandigarh

Ph: - +91-172-2781737, 2547601, Fax: +91-172-2774485 ::: P3701994 ::: ::: Downloaded on - 11-06-2017 11:26:03 :::

Dated: .26.9.2011

# IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA

### AT CHANDIGARH

Civil Misc. No. 1968 of 2011 In CWP No. 16503 of 2011

Raghbir Singh and others

....Petitioners

Versus

State of Haryana and others

....Respondents

APPLICATION under Section 151 of the Code of Civil Procedure for placing on record the affidavit of Respondent Indian Oil Corporation.

## Respectfully Showeth:-

- That the above mention Writ Petition is pending before this Hon'ble Court and is pending for 27.9.2011.
- That when the Writ Petition had come up for hearing on 6.9.2011, 2. Hon'ble Court ordered for payment of annuity to the Petitioners before the next date of hearing i.e. 27.9.2011.
- That in compliance of the order dated 6.9.2011 the Respondent 3. Indian Oil Corporation wants to file an affidavit to the effect that the annuity has been paid to the Petitioners.

It is therefore, respectfully prayed that the present application may be allowed and the affidavit of the Respondent Indian Oil Corporation may kindly be placed on record in the interest of justice.

Chandigarh

Dated: .25.9.2011

From Mhr) 3/2 [ANAND CHHIBBAR] [RANJIT/CHAWLA] P-662/1990

P-455/1990

IHARPRIYA KHANEKAI

P-2608/2010 Advocates

Counsel for the Respondent 863

Chhibbar & Co.

Resi-cum-Office: # 721, Sector 8-B, Chandigarh Ph: - +91-172-2781737, 2547601, Fax: +91-172-2774485

# IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Misc. No. <u>/3 / 60</u> of 2011

In CWP No. 16503 of 2011

Raghbir Singh and others

....Petitioners

Versus

State of Haryana and others

....Respondents

AFFIDAVIT of Shri B.S. Sallan, Chief Human Resource Manager, Indian Oil Corporation, Panipat Refinery, Panipat.

- I, the above-named deponent do hereby solemnly affirm and state as under:-
- 1. That the above mention Writ Petition is pending before this Hon'ble Court and is pending for 27.9.2011.
- 2. That when the Writ Petition had come up for hearing on 6.9.2011, this Hon'ble Court ordered for payment of annuity to the Petitioners before the next date of hearing i.e. 27.9.2011.
- 3. That in compliance of the order dated 6.9.2011 the Respondent Indian Oil Corporation wants to file an affidavit to the effect that the annuity has been paid to the Petitioners.

Chandigarh.

Dated: September 36, 2011

**DEPONENT** 

### **VERIFICATION:**

Verified that the contents of para No.1 to 3 of my affidavit are true and correct to my knowledge and as per the record of the Corporation. No part of it is false and nothing material has been concealed therefrom.

Certified that the

Chandigarh.

Dated: September  $\mathcal{I}_{\mathcal{L}}$ , 2011

Name Solon of Panause Message Human.

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has signed in my presence.

ICE. (CC) WWWOOD WAY & COMMING BISWW & COMMING

-- '0

# IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 16503 of 2011

Raghbir Singh and others

....Petitioners

Versus

State of Haryana and others

..Respondents

AFFIDAVIT of Shri B.S. Sallan, Chief Human Resource Manager, Indian Oil Corporation, Panipat Refinery, Panipat.

I, the above-named deponent do hereby solemnly affirm and state as under:-

1. That the Petitioners had filed CWP No. 16503 of 2011 before this Hon'ble Court which had come up for hearing on 6.9.2011 on which date the Hon'ble Division Bench passed the following order:-

"CWP No. 16503 of 2011.

Present: Mr. S.S. Kharb, Advocate for the petitioners.

Notice of motion for 27.9.2011.

On asking of the Court, Ms. Palika Monga, DAG Haryana accepts notice on behalf of respondent Nos.1 and 2 and Mr. Ashish Kapoor, Advocate for respondent No.3. Counsel for the petitioners is directed to supply three copies of the writ petition to the counsel opposite during course of the day.

ONER & GOOD STATE OF THE PARTY OF THE PARTY

Respondents are directed to ensure that the amount of annuity, if admissible to the petitioners, shall be paid to them before the next date of hearing, failing which, the Financial Commissioner- $\frac{44 \text{ of } 60}{60}$ 

cum-Principal Secretary to Government of Haryana, Revenue & P3701994 ::: ::: Downloaded on - 11-06-2017 11:26:04 :::

Disaster Management Department, Haryana and Executive Director, Indian Oil Corporation Limited, Panipat shall come present in Court to state reasons for non-payment.

A copy of the order be given to counsel for the respondents under signatures of Court Secretary for necessary compliance.

Sd/- (JASBIR SINGH)

**JUDGE** 

6 9 2011

Sd/- (AUGUSTING GEORGE MASIH)

JUDGE".

- 2. That pursuance to the above said directions the Respondent Indian Oil Corporation vide letter dated 14.9.2011 remitted an amount of Rs.26,28,773.35 vide cheque No. 014300 dated 14.09.2011 towards annuity to the Deputy Commissioner Panipat. Copy of the letter is attached as ANNEXURE A-1. Copy of the cheque No. 014300 dated 14.9.2011 is attached as ANNEXURE A-2.
- That the Deputy Commissioner had subsequently informed the Financial Commissioner & Principal Secretary to Govt. Haryana Revenue & Disaster Management Department, Chandigarh that all the Petitioner land owners of Village Bal Jattan have received annuity for the years 2006 to 2011. Copy of the letter is attached as ANNEXURE A-3. The list of the land owners who have been disbursed annuity for the years 2006 to 2011 is attached alongwith the present affidavit as ANNEXURE A-4.
- That however, it is submitted that the Petitioners' annuity could not be disbursed earlier as the Respondents had filed Civil Writ Petition No. 16045 of 2009 titled Indian Oil Corporation Vs. State of Haryana in which the notice of motion had been issued and stay for disbursement of annuity. The Writ Petition was subsequently withdrawn on 7.7.2011. ::: P3701994 ::: ::: Downloaded on 11-06-2017 21:26:04 :::

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Copy of the application for withdrawing the Writ Petition is annexed as ANNEXURE A-6.

Chandigarh.

Dated: September 26, 2011

**DEPONENT** 

### **VERIFICATION:**

Verified that the contents of para No.1 to 4 of my affidavit are true and correct to my knowledge and as per the record of the Corporation. No part of it is false and nothing material has been concealed therefrom.

Chandigarh.

Dated: September 26, 2011

DEPONENT

Certinical Lines

on 26 9

Name Stai B.S. Sallan Chief Homen Resident of Resource Mamas

District Intern oil Colo adamilat planting to the farmer former

Dated 2 6 2 Oath Commissioner Chandigarh

eigned in the ponent.

"1 0



Indian Oil Corporation Limited
PANIPAT REFINERY
DISTT. PANIPAT – 132140 (HARYANA)

Refineries Division

PR/Admn./4.2/ 2011

Dtd: 14.09.2011

To

District Commissioner, Panipat.

Sub: Payment for annuity.

Dear Sir,

Please refer to your letter no. 213/ LA dated 09.09.2011 on the above subject for submission of annuity amount to the petitioners as per the decision of the honorable Punjab and Haryana High Court.

We are pleased to enclose herewith an A/c Payee Cheque No. 014300 dated 14.09.2011 for Rs. 26,28,773.35 (Rupees Twenty Six Lac Twenty Eight thousand Seven hundred Seventy Three and Paise Thirty Five only) for payment towards annuity as per demand raised by your above referenced letter.

Kindly acknowledge the receipt of the same for our records.

Thanking you.

dy or dalig 14.9.2011

1 My 1972 Encl: As above

Combi Signed

District Revenue Officer

14 (9/20)1

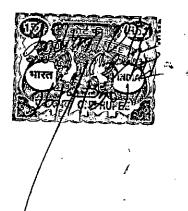
(B. Arunkumar)

Dy. General Manager(HR)

General Manager(HR) पी. धण्ण पूर्णार

B. ARUN KUMAR उप महाप्रयोधक (मानव संसाधन)

Dy. General Manager (Human Resourc पानीपत रिकाइनरी (आई.ओ.सी.एन.)—1321 - Panipat Refinery (I.O.C.L.)-132140



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47 of 60

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JOCL, PANIPAT REFINERY VILLAGE BAHOLI,
PANIPAT - 132001 , HARYANA
RTGS / NEFT IFSC : HDFC0001094
SEC 011210 HDFC BANK LTD. A/c No.

RUPEES

HUNDRED SEVENTY-THREE & PAISE THIRTY-FIVE Only

TWENTY-SIX LAC TWENTY-BIGHT THOUSAND SEVEN

Rs.

2628773.35

10940350000010

QA Q

PAY DISTRICT REVENUE CUM LAND ACQUISITION COLLECTOR, PANIPAT

A/c Payee

PAYABLE AT PAR THROUGH CLEARING/TRANSFER AT ALL BRANCHES OF HOPC BANK LTD

\*\*\*\*\*\*\*\*\*2628774/-

Amorphal AF

0E #100005 #6000422ET #000E110#

Authorised Signatory Authorised Signatory

For INDIAN OIL CORPORATION LIMITED

Date: 14.09.2011

BY ORDER

From

Deputy Commissioner Panipat

To

The Financial Commissioner & Principal Secretary to Govt. Haryana Revenue & Disaster Management Department, Chandigarh.

No. 27) /LA

Dated 23 9 2011

Homespull A-3

Subject:-

CWP No.16503 of 2011 Raghubir Singh and others V/s State of

Haryana and others

Memo

Kindly refer to your good office fax message No. 547-R-5-2011/985 dated 22-09-2011 on the subject cited above.

All the petitioners / Land owners of village Bal Jattan has received th annuity for the years 2006 to 2011 from this office. List of annuity page No. 1 & are enclosed. This is for your kind information please.

Deputy Commissioner Panipat.



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49 of 60

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9 Annexure A-4

List of Owners/Petitioner of Village Bal Jattan Distt. Panipat. Who have received annuity for the year 2006 to 2010 and 2011

Sr no.	Name of payee	Amount Annuity 2006 to2010	Date	Amount Annuity 2011	Date
1-	Raghbir Singh S/o Jeet Singh	71128.10	16-09-2011	18440.60	23-09-2011
2-	Rajpal S/o Jeet Singh	71128.20	16-09-2011	18440.65	23-09-2011
3-	Chandgi S/o Jeet Singh	71128.20	16-09-2011	18440.65	23-09-2011
4-	Parmanand S/o Jeet Singh	71128.15	16-09-2011	18440.65	23-09-2011
5-	Rampal S/o Kirpa Ram	177820.30	16-09-2011	46101.55	23-09-2011
6-	Parveen S/o Kirpa Ram	177820.30	16-09-2011	46101.55	23-09-2011
7-	Ram Chander S/o Dhan Singh	144562.40	16-09-2011	37479.15	23-09-2011
8-	Balbir Singh S/o Dhan Singh	144562.50	16-09-2011	37479.15	23-09-2011
9-	Samer Singh S/o Dhan Singh	144562.60	16-09-2011	37479.20	23-09-2011
10	Anil Kumar S/o Tek Chand	175058.40	16-09-2011	45385.50	23-09-2011
11	Sunil Kumar S/o Tek Chand	175058.45	16,-09-2011	45385.55	23-09-2011
12	Smt. Raj Bala W/o Tek Chand	289222.20	16-09-2011	74983.50	23-09-2011
13	Tek Ram S/o Mangel Singh	289168.45	16-09-2011	74969.55	23-09-2011
14	Om Pati D/o Mangel Singh	228273.65	20-09-2011	59182.00	23-09-2011
15	Smt. Biro Devi wd/o Randhir Singh	14225.60	20-09-2011	3688.10	23-09-2011



16	Neelam D/o Randhir Singh	14225.60	20-09-2011	3688.10	23-09-2011
17	Naresh Kumar S/o Randhir Singh	14225.60	20-09-2011	3688.10	23-09-2011
18	Bhupinder Singh S/o Randhir Singh	14225.65	20-09-2011	3688.15	23-09-2011
19	Manish Kumar S/o Randhir Singh	14225.65	20-09-2011	3688.15	23-09-2011
	Total	2301750.00	INTAS	596749.85	

Deputy Commissioner, Panipat.

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# IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. 3385 of 2011

In Civil Writ Petition No. 16045 of 2009.

II

Indian Oil Corporation Limited

... PETITIONER

#### **VERSUS**

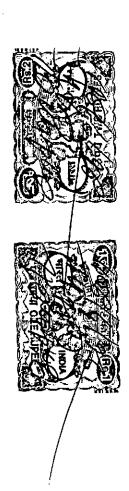
State of Haryana and others

....RESPONDENTS

Application under Section 151 of the Code of Civil Procedure for withdrawal of the Writ Petition, which is pending lying Admitted pursuant to the Order dated 05<sup>th</sup> April, 2010.

# Respectfully Showeth: -

- 1. That the above mentioned writ Petition is lying admitted in this Hon'ble Court pursuant to the Order dated 05.04.2010. The Writ Petition has not been listed before this Hon'ble Court for regular hearing.
- 2. That the Writ Petition has been filed with the following prayers:
  - "i. issue a Writ in the nature of Certiorari for quashing of the Impugned Policy Notification dated 7.12.2007 (Annexure P-4), Impugned clarificatory Policy Mergo of the Impugned Policy Notification Annexure P-



4, issued on 22.10.2008 (Annexure P-5), and the Impugned Demand Notice dated 24.12.2008 made by the Deputy Commissioner, Panipat (Annexure P-6), the Impugned Non Speaking order (Annexure P-9) dated 23.7.2009 passed by the Ld. Financial Commissioner, and the Demand Letter (Annexure P-10) dated 4.8.2009 made by the erstwhile Land Owners on the Petitioner Corporation.

any other writ order or direction which this Hon'ble Court may deem fit in the facts and circumstances of the present case may also be issued.

It is further prayed during the pendency of the present Writ Petition the operation of the Impugned Order dated 23.07.2009 (Annexure P-9) may kindly be stayed.

It is further prayed that during the pendency of the present Writ Petition the Impugned demand raised by Respondent No.3 the Deputy Commissioner, Haryana calling upon the Petitioner Corporation to deposit appropriate amounts for making the annuity payment may kindly be stayed."

3. That the same had come up for hearing on 05.04.2010 and the following Order was passed on the said date: -

"Present: - Mr. R.K. Chhibbar, Senior Advocate, with Mr. Lalit Thakur, Adfvocate For the Petitioner

Mr. Kamal Sehgal, Addl. AG< Haryana, For Respondent Nos. 1 to 3

Mr. Arvind Singh, Advocate, For Respondent No. 4.

Learned counsel for the Petitioner cites a Division Bench Judgment of Allahabad High Court rendered in the case of Gas Authority of Indfia Limted Versus State of U.P. 2004(2) LACC 46 and argued that over and above no compensation could be granted by framing a policy and thequestion has been answered against any such policy by the Division Bench. Learned Counsel has also placed reliance on a judgment of Hon'ble the Supreme Court in the case of D.G.M. (HR) P.G. Corpn. Of India Limited Versus T. Venkat Reddy, JT 2007 (8) SC 254. The matter requires consideration.

Admitted.

The realisation of annuity under the policy idated 07.12.2007 (P-4) from the Respondent State would not be affected by the stay Order dated 21.10.2009. However, the stay shall operate for realization of annuity from the Petitioner.

Liberty is granted to the parties to complete the pleadings by filing replication/counter etc.

Sd/- (M.M. Kumar), Judge

April 5, 2010 Sd/- (Jitendra Chauhan), Judge"

4. That during the pendency of admission of the present Writ Petition, the Government of Haryana took up the issue with the Ministry of Petroleum and Natural Gas and the Petitioner Company. It has now been decided that the Petitioner Company would be making payment of annuity to land owners as per the rehabilitation and re settlement policy of the Haryana Government which was challenged by the Petitioner Company. It has now

been decided by the Petitioner Company to withdraw the present Writ Petition.

5. That in view of the decision taken by the Petitioner Company to make payment of annuity to the land owners as per Government of Haryana Notification dated 07.12.2007, the Petitioner Company wants to withdraw the present Writ Petition.

It is, therefore, respectfully prayed that this present Application may kindly be allowed and the Civil Writ Petition may kindly be Dismissed as withdrawn.

Chandigarh

Dated: 4.03.2011

[ANAND CHHIBBAR] [RANJIT CHAWLA] P-662/1990

[HARPRIYA KHANEKA]

Advocates
Counsel for the Petitioner
Chhibbar & Co.

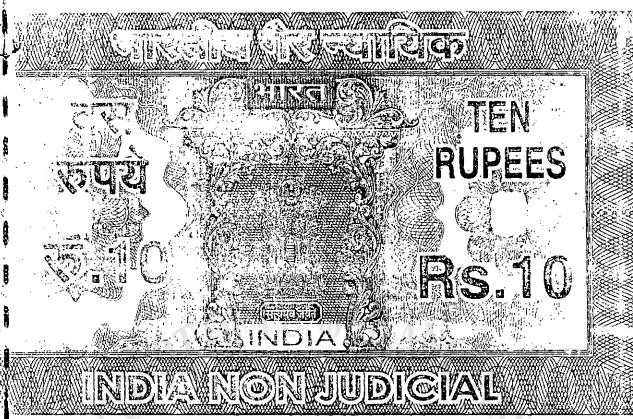
Resi-cum-Office: # 721, Sector 8-B, Chandigarh-160009

Ph: 0172-2781737, 2547601, FAX: 0172-2774485

The Am

# VAKALATNAMA

IN THE HIGH COURT	OF PUNJAB & HARYANA AT CHANDIGA
In re. CuM.	of 2011 in 8128 16503/2011
faghbis	VERSUS Petitioner / Appellant
State	of Haryang SUM Respondents
KNOW ALL to whom these	e presents shall come that I/We the undersigned appoint
	NAND CHHIBBAR Rayin Chawla.
	& HARYANA HIGH COURT, CHANDIGARH ✓ ∕ Resi.: H. No. 721, Sector 8-B, Chandigarh
to be the Advocate for the in the above mentioned case to a 1. To act, appear & plead the same may be tried of	72-2781737, 2547601 <b>Mobile</b> : 098140-06721  Spander T No3  do all the following acts, deeds all things or any of them that is to say: in the above mentioned case in this Court or any other Court in which or heard in the first instance in appeal, Letters Patent Appeal, Review, any other stage of its progress until its final decision.
petitions execution revi	fy pleadings, appeals, Letters Patent Appeals, Cross-objections or ew, revision, withdrawal, compromise, other petitions, affidavits, other semed necessary or advisable for the prosecution of the said case in all
	ise the said case or submit to arbitration any differences or dispute that any manner relating to the said cause.
security and other misce	eive money and give receipts thereof by way of costs, refund or balance of ellaneous expenses from court or parties and to do all other acts and necessary to be done for the progress and in the course of id case.
	rocate authorise him to exercise the power and authorities and to confer enever he may think fit to do so any power to conduct the this behalf.
AND I/WE hereby agree and in this connection.	to ratify whatever the Advocate or his substitute shall do in the premises
d case in consequences of hi	not to hold the Advocate or his substitute responsible for the result of the is absence from the Court when the said case is called up for hearing.
	not to hold the Advocate responsible for not intimating the date of hearing ng any certified copy of the judgement on the decision of the
AND I/we here by agree	that if the matter is refered to a larger bench or if the case is to be filed ite shall be entitled to fresh fee as paid in the case.
any other Court or the Court si	hat the Advocate will not be bound to appear for us if the case is transferred ts at any place other than its normal place of sitting and if any application case, the Advocate will be entitled to fresh fee as paid in the case.
	ee that in the event of the whole or any part of the fee agreed by cate remaining unpaid, he shall be entitled to withdraw from the until the same is paid.
	FI/WE hereunder set my/our hands of these presents the been explained to and understood by me/us. this
Accepted  ANAND CHHIBBAR  Advocate (Enrolment. No. P/662/1990)	(Signature or thumb impression)  (B.S.SALLAN)
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हरियाणा HARYANA

**GENERAL POWER ATTORNEY** 

07AA 547146

In pursuance of delegation approved on 26<sup>th</sup> May 2003 by Board of Directors of Indian Oil Corporation Limited, company incorporated under the Companies Act having its registered office at G-9 Ali Yavar Marg, Bandra (East), Mumbai-400 051, read with sub-delegation authorized by the Director (Refineries) of the said company, I, R.K.Ghosh, Executive Director, Indian Oil Corporation Limited, Panipat Refinery, P.O. Panipat Refinery, Distt. Panipat, Haryana, do hereby appoint the following officers of Panipat Refinery:

- To sign, verify, declare and execute Vakalatnamas, written statements, counter-claims, petitions, appeals, reviews, applications, affidavits, power of attorney and papers of every description that may be necessary to be signed, verified and executed for the purpose of any suit, actions, appeals, reviews, legal applications, arbitrations, criminal and civil or justice whether of Original, Appellate, Testamentary or Revisional Jurisdiction established by lawful authority.
- 2. To appear before all civil, criminal, revenue, judicial and quasi-judicial or officers exercising administrative functions and before all local and public or other bodies and authorities as occasion may require.
- To execute, to become party to and if necessary, to cause to be registered all instruments, deeds, agreements, contracts, receipts and other documents for and on behalf of the Corporation.
  - l. To execute for Central Excise & Salts Act, 1944, Customs Act, 1962, sales Tax, Income Tax, ... ≰Taxation or any authority, court Tribunal.
  - To appear before the income Tax, Super Tax, Excess Profit Tax, Wealth Tax, Gift Tax and all other taxation authorities, to sign and file returns, produce accounts, suffer and pay assessment of taxes, to accept service of processes, to make all applications, correspondence, appeals, statements, revision, applications, petitions and motions in all taxation matters including applications to the Income Tax Appellate Tribunal or any other High Court, Supreme court and to claim, recover receive and adjust all refunds of taxes, Income Tax, Super Tax as well as Excess Profit Tax deposits.

- To appoint Income Tax Experts, Solicitors or Attorneys, Counsel, Chartered Accountants and to appear and act on his behalf and on behalf of the Corporation in all or any of the taxation matters.
- 7. To contract with any person for leasing, giving on lease and licence or in any other mode for such period and at such rent, compensation, hire charges or otherwise and subject to such conditions all or any of the premises and any such persons to let into possession thereof and to set fines for new leases and to accept surrenders of leases and for that purpose for and behalf and in the name of the Corporation as their act and deed to make, seal, deliver and execute any lease, under lease or any other lawful deed or instrument whatsoever which shall be necessary or proper in that behalf and also to sign and give lawful notices to quit to any tenant or tenants of the said lands and hereditaments.
- To sign execute, deliver and register mortgages, transfers of mortgages pledges, hypothecations, charges, releases, reconveyances, conveyances, exchange, assignments or any other deeds or instruments that may be deemed necessary.
- And generally to make all such arrangements and to do all such acts, deeds, matters and things on behalf of the Corporation as may be usual, necessary or expedient in the conduct and management of their business.
- 10. To take on lease, hire, rent, sub-lease, leave & license or otherwise howsoever any movable or immovable property required for the purpose of the business of the Corporation at such rent, hire, charges, compensation or fee or consideration and on conditions.
- 11. To settle, adjust, compound, submit to the arbitration and compromise all suits, actions, legal proceedings, accounts, claims and demands whatsoever which now or thereafter shall be binding between the Corporation and any other person or persons whomsoever.

S. No.	Name (S/Sh/Ms)	Designation	- //
1	Ashwini Sharma	General Manager (Technical Services)	<del>- 1</del>
2	SN Choudhary	General Manager (Project)	
3	KC Swain	General Manager (Technical)	
4	Madhubala Nangia	General Manager (Finance)	
5	Supriyo Dhar	General Manager (QIP & P15)	
6	SK Ghosh	General Manager (CG)	
7	P Chatterjee	Deputy General Manager (Project)	
8	P Kajendran	Deputy General Manager (Project)	
9	Verghese Cherian	Deputy General Manager (Human Resource)	
10	Sanjiv Singh	Deputy General Manager (PN-PC)	
11	VK Shukla	Deputy General Manager (P&U, IT)	
12	AP Gangopadhaya	Deputy General Manager (Tech. Services)	
13	AK Singh	Deputy General Manager (MT & CC)	
14	P Bhattacharya	Deputy General Manager (Project)	<del></del>
15	SPS Jolly	Deputy General Manager (Project)	<del></del> .
16	Ramesh Kumar	Deputy General Manager (Project)	· · · · · · · · · · · · · · · · · · ·
17	SL Maurya	Deputy General Manager (Maintenance)	
18	Dr.Anil Vajpayee	Deputy General Manager (Medical)	
19	Debangsu Ray	Deputy General Manager (PN)	
20	Sukumar Das	Deputy General Manager (S&EP/Insp)	<del></del> -
21	GS Singh	Deputy General Manager (CG-Tech)	
22	SS Kahlon	Deputy General Manager (CG-P&U)	-

TOTIES A

23	DDC Dowl	
	PPS Paul	Deputy General Manager (PJ)
24	M Dattaray	Chief Production Manager (PX)
25	R Manvi	Chief Production Manager (PTA)
26	TK Mukherjee	Chief Production Manager (Offsite/ETP-1/ETP-2)
27	PK Agrawal	Chief Manager (F&S)
28	RK Malik	Chief Maintenance Manager (Civil)
29	LN Prasad	Chief Maintenance Manager (PR/W-Shop/Ping)
30	W Manoharan	Chief Maintenance Manager (Px-PTA/TPS/UCR/ETP)
31	JJN Satyarthi	Chief Maintenance Manager (PRE/OM&S/SRU)
32	RS Wadhwa	Chief Maintenance Manager (Electrical)
33,	VK Raizada	Chief Power & Utilities Manager
34	MR Ravi	Chief Instt. Manager (PR Units/ PX-PTA/ OM&S/ Plg.WS)
35	V Natarajan	Chief Instrumentation Manager (PRE/ TPS/ SRU/ UCR)
36	SK Kalra	Chief Production Manager (PR)
37	Satya Prakash	Chief Production Manager (PRE)
38	PP Chaukimath	Chief Technical Services Manager (PS-PJ)
39	Manas K Banerjee	Chief Technical Services Manager (PS-APC)
40	Brij Behari	Chief Technical Services Manager (PC)
41	KL Dongre	Chief Tech. Services Manager (PX-PTA/Offsite/SRU)
42	Suresh Prasad	Chief Tech. Services Manager (TA & Encon)
43	Shimbhu Singh	Chief Quality Control Manager
44	Keshav Kishore	Chief Inspection Manager (Px-PTA)
45	P Deshmukh	Chief Inspection Manager (Refinery)
46	AK Gupta	Chief Engineering Services Manager
47	DK Karwal	Chief Manager (S&EP)
48	AK Agnihotri	Chief Manager (Quality Assurance)
49	Ashok Kumar	Chief Materials Manager (Purchase)
50	PK Gupta	Chief Materials Manager (Stores)
51	Sanjoy Mitra	Chief Manager (Contract Cell)
52	AK Goel	Chief Project Manager
53	KV Thampan	Chief Project Manager
54	Ranjit Biswas	Chief Project Manager
55	Sukla Mistry	Chief Project Manager
-/-56	AK Dash	Chief Project Manager
57	Ashok Kumar	Chief Project Manager
58	RB Singh	Chief Project Manager
	VD Ahire	Chief Project Manager
-60	Kailash Pati	Chief Project Manager
61 /	SZH Rizvi	Chief Project Manager
<del></del>	AK Verma	Chief Project Manager
	AK Das	Chief Project Manager
64	Sanjeev Kumar	Chief Project Manager
65	Kaustav Roy	Chief Project Manager
66	TDVS	Chief Project Manager (PS-PJ)
	Gopalakrishna	

G

67

SM Ukey

Chief Project Manager

68	TSB Rao	Chief Project Manager (PS-PJ)
69	KM Sharma	Chief Maintenance Manager (CG-EL)
70	TK Chattopadhyay	Chief Instrumentation Manager (CG)
71	GP Wadhawan	Chief Project Manager
72	AK Arora	Chief Project Manager
73	PD Nandi .	Chief Project Manager
74	Debashis Roy	Chief Finance Manager
75	. R Upadhyay	Chief Finance Manager
76	Subrat Nayak	Chief Manager (Information Systems)
77	GS Sirohi	Chief Manager (Security)
78	S Padhi	Chief HR Manager
.79	Bijay Kumar	Chief Manager (A&W)
80	JS Sahota	Senior Manager (T&D)
V 81	BS Sallan	Senior Human Resource Manager
82	Nandini Gautam	Senior Human Resource Manager
83	KL Rawat	Senior Human Resource Manager
84	Kewal Singh	Senior Human Resource Manager
85	Y Kesavan	Senior Finance Manager
86	AS Bajwa	Senior Manager (S&EP)
87	SL Meena	Senior Finance Manager
88	RK Dubey	Finance Manager
89	SK Tripathi -	Manager (A&W)
90	Sanjay Kumar	Finance Manager
91	Dr. Shiuli Ray	Joint Chief Medical Officer
92	Vinit Narain	Manager (HR)
93	PN Jha	Deputy Manager (ER)
94	RP Pandey	Deputy Manager (Admn)
95	KS Sandal	Deputy Manager (ER)
96	Chander Mohan	Employee Relations Officer

Any act done by the above mentioned officers by virtue of these presents shall be binding on the ompany – Panipat Refinery.

In witness thereof, seal of Indian Oil Corporation Limited (Refineries Division), Panipat Refinery is hereunto affixed, signed, sealed and delivered by Shri R.K.Ghosh, Executive Director of the said company on this day  $\frac{1}{2}$ ,  $\frac{1}{2}$   $\frac{1}$ 

**NOTARY** 

Witness:

ATTESTED

(R. K. Ghosh) Executive Director

Motaw: RANIPAT

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