

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

I.A. No. 145179 of 2019

IN

**WRIT PETITION (C) NO.188 of 2004
AND
T.C. No. 2 of 2004**

IN THE MATTER OF:-

M/s. Raiganj Consumer Forum

...Petitioner(s)

Versus

Union of India &Ors.

...Respondent

AND

IN THE MATTER OF:

The Securities Exchange Bd. Of India

.....Petitioner

Versus

The Golden Forests (I) Ltd. & Ors.

....Respondent

**REPLY ON BEHALF OF STATE OF PUNJAB TO
I.A. NO. 145179 OF 2019**

PAPER BOOK
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ADVOCATE FOR STATE OF PUNJAB: RANJEETA ROHATGI

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**REPLY ON BEHALF OF STATE OF PUNJAB TO I.A. NO.
145179 OF 2019**

MOST RESPECTFULLY SHOWETH:

1. I, Navpreet Singh Shergill, Tehsildar, DeraBassi, District S.A.S. Nagar (Mohali), Punjab presently at New Delhi do hereby solemnly affirm and declare as under:
2. That I state that I have read the contents of above mentioned I.A. filed by the applicant i.e. Golden Forest India Limited (hereinafter called as GFIL) and have understood the contents thereof. At the outset, I deny each and every averment made therein unless the same are specifically admitted hereunder.

PRELIMINARY SUBMISSIONS:

3. At the very outset I State that the present IA filed by the Committee -GIFL is not maintainable. The prayers in the present application are with respect to the quashing the orders

passed by the Collectors dated 31.05.200, 20.10.2000 and the financial commissioner dated 29.05.2012. It is submitted that the prayers in the Writ Petition No. 17778 of 2014 filed by the Applicant before the High Court of Punjab and Haryana are the same as in the present IA. That the Applicant had earlier filed an IA before this Hon'ble court being I.A. No. 36379 of 2018 wherein the applicant sought for transfer of certain cases from the various High Courts to this Hon'ble Court for adjudication. The Writ Petition No. 17778 of 2014 was mentioned in Annexure 4 of this application at page 12. It is stated that this Hon'ble court vide order dated 7.08.2019 in I.A. No. 36379 of 2018 rejected the prayer for transfer of this Writ Petition.

A copy of the order dated 7.08.2019 passed by this Hon'ble Court in I.A. No. 36379 of 2018 is annexed herewith and marked as **ANNEXURE R-1. (pg. 28 to 46).**

In view of the above, it is submitted that despite the denial of the said prayer in IA 36379 of 2018 to transfer Writ Petition No. 17778 of 2014, the applicant has now filed the present IA seeking same reliefs which were prayers in CWP 17778 of 2014 for the second time before this Hon'ble Court and that too without disclosing the same before this Hon'ble court. It is submitted that since the Applicant has not come before this Hon'ble Court with clean hands, on this ground alone the present application ought to be dismissed.

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SURPLUS LAND UNDER THE PUNJAB LAND REFORMS ACT, 1972.

4. That the lands were declared surplus beyond the permissible area under the provisions of the Punjab Land Reforms Act, 1972. The Act is included at serial no. 78 in the Ninth Schedule of the Constitution (Section 31B).

5. That the relevant provisions of the Act are reproduced as under :-

"Section 3 Definitions - In this Act' unless the context otherwise requires—

(1) "appointed day" means the twenty-fourth day of January, 1971;

(5) "land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes:-

(a) the sites of buildings, and other structures on such land; and

(b) banjar land;

(10) "person" includes a company, family association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

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(15) "surplus area" means the area in excess of the permissible area;

Section 4. Permissible area -(1) Subject to the provisions of section 5, no person shall own or hold as landowner or mortgagee with the possession or tenant or partly in one capacity and partly in another in excess of the permissible area].

(2) 'Permissible area' shall mean in respect of -

(a) land under assured irrigation and capable of yielding at least two crops in a year (hereinafter in this Act referred to as 'the first quality land') seven hectares; or

(b) land under assured irrigation for only one crop in a year, eleven hectares; or

(c) barani land, 20.5 hectares; or

(d) land of other classes including banjar land, and area to be determined accordingly to the prescribed scale with reference to the intensity of irrigation, productivity and soil classification of such classes having regard to the respective valuation and the permissible area of the

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classes of land mentioned at (a), (b) and (c), above [subject to the condition that the area so determined shall not exceed 21.8 hectares].

Provided that—

- (i) where land consists of two or more classes, the permissible area shall be determined on the basis of relative valuation of sub clauses of land, subject to the condition that it does not exceed 21.8 hectares;
- (ii) where the number of member of a family exceeds five, the permissible area shall be increased by one-fifth of the permissible area for each member in excess of five, subject to the condition that additional land shall be allowed for not more than three such members.
- (3) Notwithstanding anything contained in sub-section (2), where any land is comprised in an orchard [on the appointed day], such land shall, for the purpose of determining the permissible area, be treated as barani land.
- [(4)(a) Where a person is a member of a registered co-operative farming society, his share in the land held by such society together with his other land, if any, or if such person is a member of a family, together with the land held by every member of the family shall be taken into account for determining the permissible area;
- (b) Where a person is a member of a family, the land held by such person together with the land held by every other member of the family, whether individually or jointly, shall be taken into account for determining the permissible area]. New Clause 4 Subs, 22 Pb. Act 40 of 1973.

Section.5. Selection of permissible area and furnishing of declaration by certain persons.—(1)

Every person, who on the appointed day or at any time thereafter, owns or holds land as landowner or mortgagee with possession or tenant or partly in one capacity and partly in another in excess of the permissible area, shall select his permissible area and intimate his selection to the Collectors concerned, through a declaration to be furnished in such form and manner and within such period as may be prescribed and if such person had an adult son, out of the land owned or held by him, subject to the condition that the land so selected together with the land already owned or held by such son, shall not exceed the permissible area of each such son:

Provided that where land is situate in more than one patwar circle, the declaration shall be supported by an affidavit in the prescribed form.

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(2) In making the selection, such a person shall include, firstly land mortgaged without possession and, secondly, land under self-cultivation on the date of commencement of the period prescribed for furnishing the declaration under sub-section (1), but shall not include area declared surplus under the Punjab law, the Pepsu law or this Act, other than the area which was exempt from utilization by the State Government immediately before such commencement.

Section 7. Determination of permissible and surplus area -(1)

On the basis of the information given in the declaration furnished under section 5 or the information obtained under section 6, as the case may be, and after making such inquiry as he may deem fit, the Collector shall, by an order determine the permissible area and the surplus area of a landowner or tenant, as the case may be.

"[(2)] If any person referred to in sub-section (1) of section 5 fails to furnish the declaration or files a declaration containing which is false or which he knows or has reason to believe to be false or which he does not believe to be true, he shall be punishable with the imprisonment which may extend to two years, or with fine which may extend to two thousand rupees or with both].

(3) [-]

(4) For the purpose of determining the surplus area of any person, -

- (i) any judgment decree or order of a Court or other authority obtained [on or after the appointed day] and having the effect of dismissing the surplus area of such person;
- (ii) a tenancy created [on or after the appointed day] in any land which has been or could have been declared as surplus area of such person under the Punjab Law, the Pepsu law or this Act;

shall be ignored.

Section 8. Vesting of utilized surplus area in the State Government

- Notwithstanding anything contained in any law, custom or usage for the time being in force, but subject to the provisions of section 15, the surplus area declared as such under the Punjab Law or the Pepsu Law, which has not been utilized till the commencement of this Act and the surplus area declared as such under this Act, shall on the date on which possession thereof is taken by or on behalf of the state Government, vest in the State Government, free from all encumbrances and in the case of surplus area of a tenant which is included within the permissible area of the landowner, the

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right and interest of the tenant in such area shall stand terminated on the aforesaid date:

Provided that where any land falling within the surplus area is mortgaged with possession, only the mortgagee rights shall vest in the State Government.

Section 9. Power to take possession of surplus area -

(1) The Collector may, by an order in writing after an area has become surplus under the Punjab Law or the Pepsu Law or becomes surplus under this Act, direct the landowner or tenant or any other person in possession of such area to deliver possession thereof, within ten days of the service of the order on him, to such person as may be specified in the order.

(2) If the landowner or tenant or any other person in possession of such area refuses or fails without reasonable cause to comply with the order made under sub-section (1), the Collector may take possession of that area and may, for that purpose use such force as may be necessary.

Section 11. Disposal of surplus area—(1) The surplus area, which has vested in the State Government under section 8, shall be at the disposal of the State Government.

.....(2).....(4)

(5) Notwithstanding anything contained in any law for the time being in force and save in the case of land acquired by the State Government under any law for the time being in force or by an heir by inheritance, no transfer or other disposition of land which is comprised in the surplus area under the Punjab law, the Pepsu law or this Act, shall affect the vesting thereof in the State Government or its utilization under this Act.

Section 27. Exemption of certain lands from the operation of the Act - The provisions of this Act shall not apply to -

- (a) lands owned by or vested in the State Government otherwise than under the provisions of this Act, or lands taken on lease by the State Government;
- (b) lands belonging to or vested in a local authority or the Punjab Agricultural University or any corporation owned or controlled by the Central Government or the State Government;
- (c) lands owned by or vested in or taken on lease by the Central Government;
- (d) lands owned by the BhoodanYagna Board under the Punjab BhoodanYagna Act, 1955; and
- (e) lands owned or held by an agricultural co-operative credit society, land Mortgaged Bank, the State or Central Co-operative bank or any other Bank;
- (f) lands owned by an educational institution, recognised by Government which is engaged in the education and

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research in agricultural sciences and has been conducting such education and research on the appointed day;

(g) lands owned by an educational trust of public nature in existence on the appointed day;

Provided that nothing in this section shall apply to a lease of any of the authorities or institutions referred to above.

Explanation - For the purposes of clause © "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949, and includes the State Bank of India constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959, a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963.

Section 27 as amended in 2011, vide Notification dated 22.11.2011

1. **Short Title and commencement** - (1) This Act may be called the Punjab Land Reforms (Amendment) Act 2011.

(2). It shall be deemed to have come into force on and with effect from the 24th January, 1971.

2. **Amendment to section 27 of the Punjab Act 10 of 1973** :- In the Punjab Land Reforms Act, 1972, in Section 27, after the proviso and before the Explanation, the following clauses shall be inserted, namely:

(h) land acquired by a person for non-agricultural purposes and falling within the Municipal area as defined in clause (8-c) of Section 3 of the Punjab Municipal Act, 1911 (Punjab Act No. 3 of 1911) or the urban area as defined in clause (60) of Section 2 of the Punjab Municipal Corporation Act, 1976 (Punjab Act No. 42 of 1976);

(i) land acquired by a person and put to non-agricultural use, or land in respect of which permission, wherever applicable, has been granted for its use for non-agricultural purposes by the State Government; and

(j) land not covered under clauses (h) and (i), acquired by a person for non-agricultural purposes;

Provided that a person desirous of conversion of land use for non-agricultural purposes shall make an application to the State Government within one year from the date of commencement of the Punjab Land Reforms (Amendment) Act, 2011 or within one year of the acquisition of land, whichever is later:

Provided further that if such person fails to apply for permission within one year or is denied such permission or continues to use the land for agricultural purposes after obtaining permission or reverts to agricultural use of the

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land at any subsequent stage, then such land shall be excluded from the purview of this clause."

VESTING OF LANDS OF THE GOLDEN FOREST GROUP OF COMPANIES BY THE STATE AS SURPLUS.

6. That the land under ownership of Golden Forests (India) Ltd., Golden Projects and golden Land Development (India) Ltd. and Golden Tourist Resorts and Developers Ltd. has been declared Surplus by the Collectors Agrarian of the districts of Punjab. The details of the lands declared surplus company wise in the villages are annexed as **Annexure R-2, R-3 AND R-4. (pg. 47 to 49).** The Details of the land declared surplus are as under:-

Name of the company	Land declared Surplus
i) Golden Forests (India) Ltd.	3214 Acre 07 Kanal 15 Marla
ii) Golden Projects and golden Land Development (India) Ltd.	504 Acre 01 Kanal 18.5 Marla
iii) Golden Tourist Resorts & Developers Ltd.	143 Acre 02 Kanal 05 Marla
Total land declared surplus	3862 Acre 3 Kanal 18.5 Marla

7. That the lands were declared surplus as per the provisions of section 4 and 5 of the Punjab Land Reforms Act.
8. The orders passed by the collectors by which the lands owned by the Golden Forest Group of Companies were declared surplus at various villages in Punjab are as given below.
9. The Collectors have decided that a separate permissible area has to be allowed to every company of Golden Forest, each being individual persons under the Act. .

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(i) Collector Agrarian, Sub Division, DeraBassi (Patiala) passed order dated 20.10.2000 determining the permissible area for each company as under :-

1) **M/s. Golden Forests India Limited:** The Company owns 7953 bighas 1 biswa i.e. 1656 acre land in Dera Bassi Sub Division and 3680 kanal i.e. 460 acre in village Shekhpur Tehsil Anandpur Sahib Distt. Roopnagar. The permissible area allowed is 7 hectares first quality land and the company is allowed to retain this area in village Jharmari. The land is barani, so the company is entitled to $7 \times 100/34 = 20.59$ hectares, when converted into bighas it comes to $20.59 \times 1000 = 245$ bighas 2 biswas i.e. 51 Acres. This company's permissible area is determined in village Jharmari as per Annexure 'A'. The balance land i.e. 51 acre owned by this company in village Jharmari and in other villages falling in DeraBassi Sub Division and Anandpur Sahib Tehsil is declared surplus as per Annexure 'B'.

2) **M/s Golden Tourist Resorts and Developers Limited:** This Company owns 893 Bigha 15 Biswas i.e. 186 Acre land in Dera Bassi Sub; Division and the permissible area is 7 Hectares of 1st quality land which is allowed in village Kurli and Meerpur where the land is 'Barani'. The permissible area is as per Annexure 'C'. The balance area i.e. 245 Bigha i.e. 51 acre owned by the company is declared surplus as per Annexure 'D'.

3) **M/s Golden Project Limited** - This company owns 302 Bigha 14 biswas i.e. 63 acre of land in village Kurli, Sanouli and Batouli. Permissible area is allowed in village Sanouli 6.47 hectares of chahi land and 0.43 hectares barani land. The remaining 5.93 hectares barani, Dakar Salab land in village Kurli, Sanouli and Batouli is declared surplus. Suffice to mention here that the land measuring 119 acre was held permissible and the land measuring 3862 acre 3 Kanal and 18.5 Marlas was declared surplus land.

It was further ordered that information from Amritsar, Ferozepur, Gurdaspur, Hoshiarpur, Jalandhar, Ludhiana, Moga, Muktsar, Sangrur, Kapurthala and Nabha, Patiala, Samana Sub Divisions of Patiala District has not been received so far so any land which have not come to light, but is later on detected anywhere in Punjab will go to the surplus pool.

Copy of the order dated 20.10.2000 passed by the Collector Agrarian, Sub Division, Dera Bassi (Patiala) is annexed herewith and marked as **Annexure R-5.(pg. 50 to 65).**

(ii) Collector Agrarian, Hoshiarpur passed order dated 31.05.2000 in Surplus Case No. 1 of 1999 -

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That the Ld. Collector Agrarian Hoshiarpur after perusing the record qua the M/s. Golden Forest Company concluded as under -

"From the perusal of the file, it is revealed that Golden Forest Company has not submitted the list of the unit holders who are alleged to be co sharers in the land in question. Further, these alleged unit holders have not been shown as co sharers of the land in the revenue record. No sale deed has been executed in favour of these unit holders. Under these circumstances, unit holders cannot be termed as co-sharers or owners of the land in question. Therefore, this objection of the company has no basis..... Under these circumstances, I have come to the conclusion that the company in holding excess land then it is entitled to hold as per the provisions of the Land Reforms Act. The detail of the land owned by the company is given in Annexure 'A' which is also a part of this order.

5. *As per section 7, sub-section 2, if the land-owner fails to furnish declaration supported by an affidavit, the Collector is competent to reduce the permissible area of that person by such an area not exceeding two hectares of first quality land. As the company failed to file declarations supported by affidavit despite number of opportunities granted to it, therefore exercising powers under sub-section 2 of section 7 of Punjab Land Reforms Act, I hold that two hectares of the land of the company be reduced while determining permissible area for the company. Therefore, the company is entitled to have permissible area of five hectares of first quality land instead of 7 hectares of first quality land. The company is allowed to hold 5 hectares of first quality land as permissible area i.e. 108k-06 M is situated in village Bassi Maruf Hussainpur, Hadbast No. 380, Tehsil and district Hoshiarpur and the same is shown in Annexure 'B' which is also part of this order. The remaining land i.e. 10,236K-5M situated in different villages as detailed in Annexure 'C' owned by the company is declared surplus and same is shown in Annexure 'C' which is also part of this order.*

6. *The land shown in Annexure 'B' is determined as permissible area of the company, whereas the land shown in Annexure 'C' is declared surplus land of the company and the same vests in the State from the date of this order. The concerned Circle Revenue Officer is directed to take possession of the land declared surplus and to sanction the mutations or the surplus land in favour of the State. The file be consigned in the record room."*

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Copy of the order dated 31.05.2000 passed by the Collector Agrarian, Hoshiarpur in Surplus Case No. 1 of 1999 is annexed herewith and marked as Annexure R-6. (pg. 66 to 72).

(iii) Collector Agrarian, Hoshiarpur passed order dated 31.05.2000 in Surplus Case No. 2 of 1999 -

That the Ld. Collector Agrarian Hoshiarpur after perusing the record qua the M/s. Golden Project Ltd., concluded as under -

"From the perusal of the file, it is revealed that Golden Project Limited company has not submitted the list of the unit holders who are alleged to be co sharers in the land in question. Further these alleged unit holders have not been shown as co sharers of the land in the revenue record. The revenue record, no sale deed has been executed in favour of these unit holders. Under these circumstances, unit holders cannot be termed as co-sharers or co-owners of the land in question. Therefore, this objection of the company has no basis. The argument put forth by the Ld. Counsel for the company that Golden Project Limited in holding land of Co-operative society issued by the Registrar of the Co-operative Societies, Punjab. Under these circumstances, I have come to the conclusion that the company in holding excess land then it is entitled to hold as per the provisions of the Land Reforms Act. The detail of the land owned by the company is given in Annexure 'A' which is also a part of this order.

5. As per section 7, sub-section 2, if the land-owner fails to furnish declaration supported by an affidavit, the Collector is competent to reduce the permissible area of that person by such an area not exceeding two hectares of first quality land. As the company failed to file declarations support by affidavit despite number of opportunities granted to it, therefore exercising powers under sub-section 2 of section 7 of Punjab Land Reforms Act, I hold that two hectares of the land of the company be reduced while determining the permissible area for the company. Therefore, the company is entitled to have permissible area of five hectares of first quality land. The company is allowed to build five hectares of first quality land as permissible area i.e. 131k-17 Mls situated in village. NariHadbast No. 492, Tehsil and district Hoshiarpur and the same is shown in Annexure 'B' which is also part of this order. The remaining land i.e. 340k-19mls situated in different villages as detailed in Annexure 'C' owned by the company is declared surplus and same is show in Annexure 'C' which is also part of this order.

6. The land shown in Annexure 'B' is determined as permissible area of the company, whereas the land shown in Annexure 'C' is declared surplus of the company

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and the same vests in the State from the date of this order. The concerned Circle Revenue Officer is directed to take possession of the land declared surplus and to sanction the mutations or the surplus land in favour of the State. The file be consigned in the record room."

Copy of the order dated 31.05.2000 passed by the Collector, Agrarian, Hoshiarpur in Surplus Case No. 2 of 1999 is annexed herewith and marked as **Annexure R-7.(pg. 73 to 79).**

(iv) Collector Agrarian, Mukerian Hoshiarpur passed order dated 02.05.2000 -

That the Ld. Collector Agrarian Mukerian, Hoshiarpur after perusing the record qua the M/s. Golden Project Ltd., concluded as under -

On behalf of the company it was stated that all the land is gair-Mumkin, in this regard the report of C.R. (U) has given report that land Barani 72 Kanal 7 Marla Banjar Kadim 1723 kanal 17 Marla Gair-Mumkin 31 Kanal 0 Marla and the Gair-Mumkin land has not been included in the evaluation. The remaining land which as per annexure is 18.8040 standard hectare in village Chatarpur, Sukh Chain Pur, Bhodh Dhamania, has been purchased by the company. As per section 4 of the Land Reforms Act 1972 the Company can hold only 7 standard hectare land, being one unit. So taking into consideration by deducting the above 7 standard hectare, remaining 11.8040 standard hectare land is declared as surplus, because the Counsel for the company has not given preference of any village for permissible reserve area. So as per attached annexure "B" Khasra Nos. of village Chatarpur has been reserved and as per Annexure "C" Khasra No. of village Bhodh Dhamania, Sukh Chainpur and Chatarpur has been declared as surplus. According to this proceedings have been issued under section 9(1) of Punjab Land Reform Act 1972."

Copy of the order dated 02.05.2000 passed by the Collector Agrarian, Mukerian Hoshiarpur is annexed herewith and marked as **Annexure R-8.(pg. 80 to 84).**

(v) Collector Agrarian, Mukerian Hoshiarpur passed order dated 01.06.2000 -

On behalf of the company it was stated that the company has been established with the money paid by many thousand investors, share holders, but the land is in the name of the Company therefore this claim is also rejected. It has been submitted by the counsel that the land is of kind Gair Mumkin

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Pahar and not Banjar Kadim, but contrary to this claim as per revenue record kind of the land is Banjar Kadim and Barani, for this reason this claim of the company is also rejected, and the company is considered as one unit. In this regard C.R.O. has given report that land is 121 Kanal 6 Marlas of kidnBarani, Banjar Kadim 638 Kanal 12 Marlas and Gair Mumkin 0 Kanal 4 Marlas, in total is 759 Kanal 12 Marlas. 4 Marlas gair Mumkin land has not been included in the evaluation. The remaining land which is 8.4143 standard hectare in village Dharampur, has been purchased by the company. As per Land Reforms Act Company is a single unit and can keep 7 standard hectare. So taking into consideration by deducting 7 standard hectare land remaining 1.4163 standard hectares land in declared as surplus. Since the counsel for the company has not given preference of any village for permissible reserve area. Therefore as per attached annexure "B" Khasra No's are kept reserve for the company. As per annexure "C" Khasra No's in village Dharampur has been declared surplus. According to this proceedings have been issued under Section 9 (1) of Punjab Land Reform Act, 1972."

Copy of the order dated 01.06.2000 passed by the Collector Agrarian, Mukerian Hoshiarpur is annexed herewith and marked as **Annexure R-9. (pg.85 to 91).**

10. That the above orders passed by the Collectors were challenged before the Financial Commissioner. The Financial Commissioner vide its order dated 29.05.2012 after considering the amended Section 27 and after perusal of the records upheld the orders passed by the Collectors. The Financial Commissioner held that a person can be allowed only 7 hectares of first quality land as permissible area in the entire State of Punjab. The Ld. Financial Commissioner, Punjab after considering all the points raised by the respective parties, concluded as under:

"Keeping in view the above discussion point wise, the petitions are dismissed and the orders of the Collector (Agrarian) Dera Bassi and Commissioner, Patiala Division are upheld with the modification that the companies are not entitled to get the benefit of permissible area which has

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been allowed by the Collectors (Agrarian) of Mukerian and Hoshiarpur. A copy of the order is sent to the Registrar Delhi High Court to be placed before the appropriate bench of the Hon'ble Court."

11. That the respondent could not refer to any documents to prove that the land purchased by the Golden Group Companies were put to non agriculture use. Since the companies did not fulfil the condition of putting the land purchased for non agriculture use, therefore they do not fall within the exempted category of Section 27 as amended vide notification dated 22.11.2011. The Financial Commissioner, therefore rightly rejected the plea raised by the respondent.

12. That in Section 7(2) of the Act it is provided that if the landowner failed to file declaration, the Collector is competent to reduce the permissible area of that person. It has been rightly held that the respondent companies failed to appear before the collectors during the surplus proceedings to plead their case inspite of several opportunities allowed to them. Therefore, the plea of the petitioner that collector wrongly reduced the area was also rightly rejected as the respondent at no point of time, filed the declaration of their land before the Collector.

13. That the plea of the respondent that the companies purchased the land on behalf of the unit holders, who were actually investors in the company and they all were entitled to get separate unit individually for the land held by the company. In this regard, it is submitted that the land was purchased by the three companies in their own names as per registered sale deeds beyond the permissible limits as allowed under the Act.

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There was no recitation in the sale deeds that the land was purchased for the unit holders or on their behalf. The sale deeds were in the name of respective companies. In these circumstances the doctrine of lifting the corporate veil was not at all relevant to the present case.

14. That the definition of a person has been provided in Section 3(10) of the Act, which states that the person includes a company, family association, or other body of individuals, whether incorporated or not, and any institution capable of holding property. The definition of person in the Act is itself clear and leaves no scope of doubt that the company is a separate juristic person and in the present case, the unit holders are not even the shareholders of the company. Thus, the doctrine of lifting the corporate veil is neither relevant to nor applicable in the present case. Therefore, the Financial Commissioner as has correctly held in the order dated 29.05.2012 that in the instant case the land was purchased by the three Golden Group Companies in their own names as per the registered sale deeds beyond the permissible limits prescribed by the Act.

SUBMISSIONS ON SURPLUS LAND

15. The said orders passed by the collectors and the Financial Commissioners are subject matter of Civil Writ Petition No. 17778 of 2014 which is pending before the High Court of Punjab and Haryana. It is submitted that seeking reliefs directly from this Hon'ble Court would deprive the litigant State

of Punjab of its valuable right to appeal which needs to be equally protected.

16. That at the outset, it is submitted that with regard to the amended Section 27(i) of the Punjab Land Reforms Act, 1972, respondent company had never been entitled to such exemption. The Financial Commissioner has rightly passed the order dated 7.8.2015 dismissing the appeal filed by the Golden Group Companies. The companies had purchased the land after the enactment of the Punjab Land Reforms Act, 1972 (hereinafter referred to as the Act) but the land was not put to non agriculture use. Further, Section 27 of the Act was amended vide notification dated 22.11.2011 exempting land acquired for non agricultural use. In the instant case, no evidence was led by the companies before the collectors to prove that the land was purchased for non agriculture use. Also, admittedly the land being agricultural, an application was required to be made to the state government under the provision of the amendment Act within one year, for conversion of land use from agricultural to non agricultural purpose. Further provision clearly excludes the lands from the purview of section 27 if a person fails to apply for such permission. Admittedly no such application was made to the state government and therefore, the amendment in Section 27 of the Act was not applicable to the facts and circumstances of the instant case.

17. That the Golden Group Companies contended that the companies had constructed the structures/buildings on the

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land and, hence never occupied the land for agriculture purpose. It is submitted that in the order dated 20.10.2000, the Collector Dera Bassi has rightly mentioned that the land in village Jharmari measuring 245K-02M was declared as permissible area which came to 7 hectares of first quality of land and the remaining land was declared surplus in Tehsil Dera Bassi and Tehsil Anandpur in respect of Golden Forests India Ltd. In the same manner, the other two companies Golden Tourist Resorts and Golden Projects Ltd were also allowed seven hectares of first quality of land in different villages as mentioned in various Annexure attached with the said order. The company has been given benefit of barani land in the said order. Moreover, the companies did not appear before the Collector to disclose the land held by them at various places in Punjab. They also avoided appearing before the Collector. Now they are estopped from taking the afterthought pleas.

18. That neither before the Financial Commissioner nor before the Collector, the respondent had ever led any evidence in the shape of records showing land in question put to non agriculture use nor any permission was ever obtained from the competent authority nor had shown any fact or record with regard to permission of any CLU pending and therefore, the case of the respondent was never covered under the exemption. It is pertinent to mention here that no CLU is pending before the competent authorities.

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19. That the land in question was never under the jurisdiction of PUDA nor was the jurisdiction of any municipality, as the same was only agriculture land. It is also submitted that Punjab New Capital (Periphery) Control Act, 1952 is not applicable to the land in question falling in the said villages. As per the record received from the PUDA it is apparent that the so called No Objection of only 200 acres of land was sought under Section 6 of the Punjab New Capital (Periphery) Control Act, 1952. The so-called NOC, though never seen the light of the day in the writ petition filed before the Hon'ble Delhi High Court but still the said document is void-ab-initio having been allegedly issued by the competent authority under the wrong Act.

20. That moreover, the permission for Change of Land Use (CLU) was required to be obtained under the provisions of The Punjab Regional and Town Planning and Development Act, 1995 and that too within one year from the date of commencement of the Amended Act, if at all the respondent wanted to claim any exemption under the said Act, though it is strictly denied. The question of permission does not all arises as the petitioner is not at all exempted under the said Act. Even under the said Act, the permission was required to be obtained from the Collector. The No Objection Certificate given by Punjab Housing Development Board is not helpful to the respondent in any manner whatsoever.

21. That the applicant has wrongly averred in the I.A. pertaining to the area on some lands i.e., the company built

residential & commercial buildings such as Central Office Building having temple with statue of Lord Shiva (Approx. 32 acre), Hotel (Approx. 16 Acre), School (Approx. 19 acre), Mineral Water Plant-Automobile Shed-Guest House (Approx. 36 Acre), 10 Residential-2 Office Buildings (Approx. 25 Acre), and land earmarked for residential complexes (Approx. 58 acre). It is submitted that, in any case, in village Jharmari, one statute of Lord Shiva, Fast Food Restaurant, office of Golden Forest and residential flats are constructed over an area of 18 acres and rest of the land is lying vacant and there is no construction over it and the same is agricultural land and surplus land. The entire remaining area except about 18 acres in village Jharmari is lying totally vacant and there is no construction over it and in the entire surplus land as declared by the State Government.

22. That in so far as village Jharmari is concerned, one statue of Lord Shiva, Fast Food Restaurant, office of Golden Forest and residential flats are constructed over an area of 18 acres and rest of the land is lying vacant and there is no construction over it and the same is agricultural land and surplus land. The entire remaining area except above 18 acres in village Jharmari is lying totally vacant and there is no construction over it and the entire area is surplus land as declared by the State Government.

23. That in so far as village Jarrot is concerned, few flats are built up over an area of about $13\frac{1}{2}$ acres and rest of the area is fields/agricultural land and there is no construction over it.

24. That in so far as village Kurli is concerned, the entire land is vacant and agricultural land except one tourist resort mentioned at Serial No.10 of Annexure A-1 i.e. details of 14 built up properties, annexed with the affidavit dated 14.10.2013 filed by one of the member of the committee appointed by this Hon'ble Court and that too on an area of 23 acres wherein, also certain portion of land are vacant and fields are being cultivated. The rest of the area as mentioned at Serial No.11, 12 and 13, in Annexure A-1 i.e. the details of 14 built up properties, annexed with the affidavit dated 14.10.2013 filed by one of the member of the committee appointed by this Hon'ble Court, in CWP No. 4309 of 2012, the said entire area is agricultural land and there is no construction over it. Moreover, the entire area of 23 acres in Village Kurli has already been sold by the Golden Forest.

25. That the aforesaid details have been collected by the concerned Field Kanungos and Patwaris of the respective villages from the revenue record and after conducting physical verification of the said area and tallying the same with the revenue record on the spot.

26. That the applicant has filed Writ Petition(C) 4309 of 2012 titled as The Committee-GFIL vs. State of Punjab through the Secretary and another, which was withdrawn by the applicant during the pendency of the above writ petition before the Delhi High Court, the applicant filed an affidavit dated 14.10.2013 and in reply to the said affidavit, the predecessor of the

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respondent filed affidavit dated 5.12.2013 wherein all the above mentioned details were given.

REPLY ON MERITS:-

1. That the contents of para No.1 of the I.A., are matter of record.
2. That the contents of para No.2 of the I.A. pertaining to averment with regard to filing of affidavit (Annexure A-1) with the present I.A. No. 36379 filed by the committee, are matter of record. In reply to the remaining contents of this para, it is submitted that the detailed submissions have been made in the preliminary submissions and the same are reiterated.
3. That the contents of para No. 3 of the I.A. pertaining to the averment with regard to annexing the valuation report in respect of certain properties of the company prepared in June, 1989 with regard to the constructed area (Annexure A-2), wherein the value of the Estate at Village Jhamari is assessed as Rs.310.22 crore, are wrong and incorrect as the same has not been prepared by any government agency.
4. That the contents of para No. 4 of the I.A. are matter of record.
5. That the contents of para No. 5 of the I.A. pertaining to the averment with regard to passing of order 31.5.2000 (Annexure A-3), passed by Collector (Agrarian), Hoshiarpur and order dated 20.10.2000, passed by Collector (Agrarian), Dera Bassi, whereby the land belonging to the applicant/petitioner company

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has been declared surplus under the Punjab Land Reforms Act, are matter of record. The remaining contents pertaining to the averment that the applicant-petitioner company filed appeals against the above orders before the Financial Commissioner (Appeal-II), Punjab, are matter of record.

6. That the contents of para No. 6 of the I.A., pertaining to the averment with regard to passing of order 29.06.2012 (Annexure A-5), passed the Financial Commissioner (Appeal-II), Punjab, whereby the appeal filed by the applicant-petitioner company were dismissed, are matter of record. However, it is submitted that the Financial commissioner has passed a very detailed order considering each and every aspect of the matter including the amendment of Section 24 of the Punjab Land Reforms Act, 1972, in the year 2011. That the Hon'ble Financial Commissioner had duly heard the respondent in the ROR's and considered each and every aspect of the matter as well as every document placed on record and has rightly passed the order dated 7.8.2015 by dismissing the appeal while considering each and every ambit of scope of the earlier Act as well as amended provisions of Act. The answering respondent shall refer to the order passed at the time of the hearing.

7. That the contents of para No. 7 of the I.A. pertaining to the averment that the committee filed W.P.(C) 4309 of 2012 against the order dated 29.05.2012 passed by the Financial Commissioner, Punjab in the High Court of Delhi and all the matter pertaining to Golden Forest (India) Ltd. were transferred

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by the Hon'ble Supreme Court of India, vide order dated 3.2.2010, are matter of record. The remaining contents pertaining to dismissal of W.P.(C) 4309 of 2012 against the order dated 29.05.2012 as withdrawn from the Delhi High Court and filing of CWP No. 17778 of 2014 before the Hon'ble Punjab & Haryana High Court, which is pending for adjudication, are matter of record.

8. That the contents of para No. 8 of the I.A., pertaining to the averment with regard to reproduction of amendment of Section 27 of the Punjab Land Reforms Act in the year 2011 (Annexure A-6), are matter of record. However, the remaining contents, as stated, are wrong and hence denied. It is submitted that all the grounds taken by the committee before the Financial Commissioner (Appeal-II), Punjab have been considered and detailed speaking order dated 29.5.2012 (Annexure A-5) has been passed. The Ld. Financial Commissioner, while dealing with Section 27 observed that since the company did not fulfill the condition of putting the land purchase for non-agricultural use, therefore, they do not fall within the exempted category of Section 27 as amended, vide notification dated 22.11.2011, in such circumstances the arguments of the petitioner on the point of exemption is rejected.

9. That the contents of para No. 9 of the I.A., as stated, are wrong and hence denied. It is submitted that there is no illegality in the orders dated 29.5.2012 (Annexure A-5), passed

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by the Financial Commissioner (Appeals-II), Punjab, as has been alleged by the applicant-petitioner. As such, the same deserves to be declared sustainable in the eyes of law. The detailed submissions have been made in the preliminary submissions and the same are reiterated. The financial commissioner has stated in its order that no evidence was produced by the committee to show any construction.

10. That in reply to the contents of para No.10 of the I.A., it is submitted that the financial commissioner has further rightly rejected the plea of the respondent that the companies purchased the land on behalf of the unit holders, who were actually investors in the company and they all were entitled to get separate unit individually for the land held by the company. In this regard, it is submitted that the land was purchased by the three companies in their own names as per registered sale deeds beyond the permissible limits as allowed under the Act. There was no recitation in the sale deeds that the land was purchased for the unit holders or on their behalf. The sale deeds were in the name of respective companies. In these circumstances the doctrine of lifting the corporate veil was not at all relevant to the present case.

11. That the contents of para No.11 of the I.A., as stated, are wrong and hence denied. It is submitted that there is no illegality in the orders passed by the courts below, in calculating the permissible area, as has been alleged by the applicant-petitioner. Apart from this, it is submitted that in the order

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dated 20.10.2000 the the Collector Dera Bassi has rightly mentioned that the land in village Jharmari measuring 245K-02M was declared as permissible area which came to 7 hectares of first quality of land and the remaining land was declared surplus in Tehsil Dera Bassi and Tehsil Anandpur in respect of Golden Forests India Ltd. In the same manner, the other two companies Golden Tourist Resorts and Golden Projects Ltd were also allowed seven hectares of first quality of land in different villages as mentioned in various Annexure attached with the said order. The company has been given benefit of barani land in the said order. Moreover, the companies did not appear before the Collector to disclose the land held by them at various places in Punjab. They also avoided appearing before the Collector. Now they are estopped from taking the afterthought pleas.

12. That the contents of para No.12 of the I.A., as stated, are wrong and hence denied. It is submitted that the Collector, DeraBassi, has considered all the material documents available on the record and passed the detailed speaking orders.

The contents of sub para 12 of the I.A. pertaining to the averment with regard to annexing of the photocopies of "Guarantee-cum- Performance Deed" & "Company Receipt" as Annexure A-7 and Annexure A-8, need no comments from the answering respondent.

13. That the contents of para No.13 of the I.A., as stated, are wrong and hence denied. It is submitted neither before the

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Financial Commissioner nor before the Collector, the applicant-petitioner had never let any evidence in the shape of records showing land in question put to non agriculture use nor any permission was ever obtained from the competent authority nor had shown any fact or record with regard to permission of any Change of Land Use and therefore, the case of the applicant-petitioner company was never covered under the exemption. As such, any construction of building made by the applicant-petitioner company can be used to scuttle the provisions of law. If the version of the applicant petitioner company is accepted then every violator of law will resort to this plea. Result will be chaos and lawlessness. Moreover, no permissions of the competent authorities to construct such buildings has been placed on record, by the applicant-petitioner company, as has been observed by the Ld. Collector.

14. That in reply to the contents of para No.14 of the I.A., it is submitted that there is no illegality in the orders dated 31.05.2000, passed by Collector (Agrarian) Hoshiarpur, 20.10.2000, passed by Collector (Ararian) DeraBassi and the order dated 29.05.2012, passed by Financial Commissioner, Punjab. As such, no ground is made out for quashing the above orders, as has been alleged by the applicant-petitioner.

I say that the application of the Committee seeking orders from this Hon'ble Court to set aside of orders passed by the Collector/ Financial Commissioner with regard to surplus lands vested in the State is clearly misconceived and in clear violation


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of the extant provisions of law applicable in the present case.

The application needs to be dismissed summarily.

15. That no additional facts or grounds have been raised in this reply/affidavit by the deponent, which were not pleaded before the Courts below.


Place: Chandigarh
Dated: 13.12.2019


DEPONENT
(Capt. Karnail Singh), PCS
Additional Secretary to
Government of Punjab Revenue,
Rehabilitation and Disaster
Management Department

VERIFICATION:

I, the above named deponent do hereby verify and state that the contents of para no. 1 to 17 of the preliminary submissions and para No. 1 to 14 of the reply by way of this affidavit are true and correct to my knowledge and information as derived for the official record and nothing material has been concealed there from. Verified on this 13th day of December, 2019 at Chandigarh.

Place: Chandigarh
Dated: 13.12.2019


DEPONENT
(Capt. Karnail Singh), PCS
Additional Secretary to
Government of Punjab Revenue,
Rehabilitation and Disaster
Management Department

ANNEXURE R-1

CORRECTED

ITEM NO.1

COURT NO.4

SECTION X

SUPREMECOURTOFINDIA

RECORD OF PROCEEDINGS

Writ Petition (Civil) No(s). 188/2004

M/S. RAIGANJ CONSUMER FORUM

...Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

....Respondent(s)

(IA No. 154673/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 156169/2018 - CLARIFICATION/DIRECTION

IA No. 148036/2018 - CLARIFICATION/DIRECTION

WITH

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C.A. No. 3134-3137/2016 (IV

SLP(C No. 227/2019 (IV-B

(FOR ADMISSION

Date : 07-08-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE B.R. GAVAI

Counsel for the parties:

Mr. K. Radhakrishnan, Sr. Adv.

Ms. Swarupama Chaturvedi, Adv.

Mr. D. L. Chidananda, Adv.

Ms. Swati, Adv.

Mr. Bhargava V. Desai, Adv.

Mr. Akshat Malpani, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Chetan Sharma, Sr. Adv.

Mr. Rajiv Goel, Adv.

Mr. Rajesh Sharma, Adv.

Mr. Anjan Datta, Adv.

Mr. Firoz Saifi, Adv.

Ms. Shalu Sharma, Adv.

Mr. Jatinder Kumar Sethi, Adv.

Mr. Ashutosh Kumar Sharma, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Ms. Varsha Singh Choudhry, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. S. K. Rajora, Adv.

Mr. Kusum Chaudhary, Adv.

Mr. M. L. Lahoty, Adv.

Mr. Paban K. Sharma, Adv.

Mr. Anchit Sripat, Adv.

Ms. Suruchi Aggarwal, Adv.

Mr. Prashant Chauhan, Adv.

Mr. M. C. Dhingra, Adv.

Mr. Gaurav Dhingra, Adv.

Ms. Indira Kandra, Adv.

Mr. Keshav Mohan, Adv.

Mr. Rishi K. Awasthi, Adv.

Mr. Prashant Kumar, Adv.

Mr. Santosh Kumar, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. S. Bhowmick, Adv.

Mr. P. D. Sharma, AOR

Mr. Bhargava V. Desai, AOR

Mr. Sarvesh Singh, AOR

Ms. Suruchii Aggarwal, AOR

Mr. Ranjan Mukherjee, AOR

Mr. R. C. Kaushik, AOR

Ms. Minakshi Vij, AOR

Mr. Naresh Bakshi, AOR

Mr. Somnath Mukherjee, AOR

Mr. Naresh Bakshi, AOR

Mr. Shailendra Bhardwaj, AOR

Mr. Arun Kumar Beriwal, AOR

Mr. Rana Ranjit Singh, AOR

Mr. Somnath Mukherjee, AOR

Mr. Ramesh Babu M. R., AOR

Mr. Jatinder Kumar Bhatia, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Ugra Shankar Prasad, AOR

Mr. Bhargava V. Desai, AOR

Mrs. S. Usha Reddy, AOR

Mr. Ashwani Kumar, AOR

Mr. Tara Chandra Sharma, AOR

Mr. Chander Shekhar Ashri, AOR

Mr. G. Ramakrishna Prasad, AOR

Mr. Surya Kant, AOR

Dr. Surender Singh Hooda, AOR

Ms. Sunita Sharma, AOR

M/S. K J John And Co, AOR

Mr. M. C. Dhingra, AOR

Ms. Shalu Sharma, AOR

Mr. Shree Pal Singh, AOR

Mr. Abhijit Sengupta, AOR

Mr. Kusum Chaudhary, AOR

Mr. Ashok Kumar Singh, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. Vishwajit Singh, AOR

Mr. D. N. Goburdhan, AOR

Mr. K. S. Rana, AOR

Ms. Chitra Markandaya, AOR

Mr. R. Gopalakrishnan, AOR

Ms. Minakshi Vij, AOR

Mr. B. K. Pal, AOR

Mr. Sudhir Kumar Gupta, AOR

Mrs. Anil Katiyar, AOR

M/S. Ap & J Chambers, AOR

Mr. Yash Pal Dhingra, AOR

Mr. Arun K. Sinha, AOR

Mr. S. Ravi Shankar, AOR

Mr. Ranjan Mukherjee, AOR

Mr. A. P. Mohanty, AOR

Mr. Alok Gupta, AOR

Ms. Suruchii Aggarwal, AOR

Mr. Subhasish Bhowmick, AOR

Ms. Tanuj Bagga, AOR

UPON hearing the counsel the Court made the following

ORDER

I.A.No. 64630 and 64633 of 2018

Taken on board.

Heard the learned counsel for the intervenor(s). We feel that the property could not have been given to one of the investors. It has to be sold and the proceeds of the property have to be equally distributed amongst the investors. Thus, the prayer made in the intervention application(s) is rejected and also in I.As. filed by Mr. M. L. Lahoty, Adv. The property is ordered to be sold.

The applications are dismissed.

We have perused the affidavit of Income Tax Department in compliance of order dated 07/05/2019. With respect to the property at Sr. No. 16 in Annexure A (Undercliff Estate in Musoorie), it is stated by the learned counsel appearing on behalf of the State of Uttarakhand that the Income Tax Department has valued the property at Rs. 23.06 crores, but it may fetch much more value than that. We request the valuation team to look into this aspect. Let them auction the property and make an advertisement in the national and local newspapers with respect to sale of all the properties.

Mr. K. Radhakrishnan, learned senior counsel appearing on behalf of the Income Tax Department, has assured us that they are going to sell 23 properties within 21/2 months by taking steps in accordance with law. The statement is placed on record.

Let the progress report be submitted to this court and the account be remitted, as already directed vide order dated 07.05.2019.

List after three months.

It is reported in the Office Report dated 23.07.2019 that the following cases, which have been received by this Court, have already been disposed of by the High Court and hence, they are treated to be disposed of and be deleted from the tagged matters :-

1. T.C.(C) No. 89/2003
2. T.C.(C) No. 91/2003
3. T.C.(C) No. 99/2003
4. T.C.(C) No. 103/2003
5. T.C.(C) No. 105/2003
6. T.C.(C) No. 106/2003
7. T.C.(C) No. 111/2003
8. T.C.(C) No. 115/2003
9. T.C.(C) No. 116/2003
10. T.C.(C) No. 117/2003
11. T.C.(C) No. 120/2003
12. T.C.(C) No. 152/2003

13. T.C.(C) No. 154/2003
14. T.C.(C) No. 157/2003
15. T.C.(C) No. 159/2003
16. T.C.(C) No. 160/2003
17. T.C.(C) No. 161/2003
18. T.C.(C) No. 167/2003
19. T.C.(C) No. 172/2003
20. T.C.(C) No. 182/2003
21. T.C.(C) No. 190/2003
22. T.C.(C) No. 196/2003
23. T.C.(C) No. 200/2003
24. T.C.(C) No. 201/2003
25. T.C.(C) No. 203/2003
26. T.C.(C) No. 204/2003
27. T.C.(C) No. 205/2003
28. T.C.(C) No. 218/2003
29. T.C.(C) No. 230/2003
30. T.C.(C) No. 240/2003
31. T.C.(C) No. 250/2003
32. T.C.(C) No. 10/2004

Pending interlocutory application(s), if any, is/are disposed of.

I.A.No. 36379 of 2018 in T.C.(C) 2 of 2004

It is stated by the learned counsel that the notice in this application has already been issued and has been served on the concerned parties.

ANNEXURE - A2

The prayer made in Annexure A-2 for transfer of following cases from Delhi High Court to this Court is rejected :-

1. Bail Application No. 176/2015 (Pamila Syal)
2. Bail Application No. 809/2015 (N.K. Syal)
3. Bail Application No. 2684/2015 (Rakesh Kumar Arora)
4. Bail Application No. 636/2016 (Naresh Kumar)

ANNEXURE - A3

The following cases mentioned at Sr. No.5 are transferred from Punjab and Haryana High Court to this Court and are tagged with

C.A.Nos.3134-37 of 2016 :-

1. C.A.No. 129/2017
2. C.A.No. 138/2017
3. C.A.No. 258/2016
4. C.A.No. 259/2016
5. C.A.No. 260/2016,
6. C.A.Nos. 803-804/2015
7. C.A.No. 51/2016
8. C.A.No. 587/2015 in CP-115/2002

Other matters mentioned in ANNEXURE A3 are not to be transferred to this Court. The prayer for transfer is rejected.

ANNEXURE A4 – The matters mentioned in this annexure are not to be transferred to this Court. The prayer for transfer is rejected.

ANNEXURE A5 – The matters mentioned in this annexure are not to be transferred to this Court. The prayer for transfer is rejected.

ANNEXURE A7 – The matters mentioned in this annexure are not to be transferred to this Court. The prayer for transfer is rejected.

I.A.No. 36952 of 2019

As prayed for by Mrs. Suruchi Aggarwal, learned counsel, in view of the order dated 07.05.2019, this application is disposed of.

I.A.No. 45905 of 2019

It is stated by Mr. Ranjan Mukherjee, learned counsel for the intervenor(s) that the Bank details with respect to 970 investors have been uploaded by the investors. Let the Committee take appropriate steps, in case it has not been done so far, and do the needful within 15 days from today.

Let the verification process, in case it has not been done so far,
be completed with respect to 155 claimants within the same period.

List for consideration on 25.09.2019 as to what has to be done
on the surplus land cases.

(JAYANT KUMAR ARORA)

(JAGDISH CHANDER)

COURT MASTER

BRANCH OFFICER

(Signed order is placed on the file)

TRUE TYPED COPY

ATTESTED


Executive Magistrate
Dera Bassi

ANNEXURE R-2

M/s Golden Forests India Limited:

The company owns 7953 bighas 1 biswa i.e. 1656 acre land in Dera Bassi Sub Division and 3680 kanal i.e. 460 acre in village Shekhpur Tehsil Anandpur Sahib Distt. Roopnagar. The permissible area allowed is 7 hectares first quality land and the company is allowed to retain this area in village Jharmari. The land is barani, so the company is entitled to $7 \times 100/34 = 20.59$ hectares, when converted into bighas it comes to $20.59 \times 1000 = 245$ bighas 2 biswas. This company's permissible area is determined in Village Jharmari as per Annexure 'A'. The balance land owned by this Company in Village Jharmari and in other villages falling in Dera Bassi Sub Division and Anandpur Sahib tehsil is declared surplus as per Annexure 'B'.

TRUE TYPED COPY

ATTESTED


Executive Magistrate
Dera Bassi

ANNEXURE R-3

**GOLDEN TOURIST RESORTS AND DEVELOPERS
LIMITED:**

This Company owns 893 Bighas 15 Biswas land in Dera Bassi Sub Division and the permissible area is 7 Hectares of 1st quality land which is allowed in village Kurli and Meerpur where the land is 'Barani'. The permissible area is as per Annexure 'C'. The balance area is declared surplus as per Annexure 'D'.

TRUE TYPED COPY

ATTESTED

**Executive Magistrate
Dera Bassi**

ANNEXURE R-4

GOLDEN PROJECTS LIMITED:

This company owns 302 Bigha 14 biswas land as per detail below. As the information regarding land owned by this company is as under:-

Name of Village	Area	Kind of land
Kurli	57B-8B	Barani
Sanouli	219B-9B	Chahi Salab, Nehri and Gair Mumkin
Batouli	25B-19B	

63 Acres or 21.93 hectares out of this chahi land is 6.47 hectares barani, slab Dakar is 6.46 hectares, so permissible area is allowed in village Sanouli 6.47 hectares of chahi land and 0.43 hectares barani land in the same village is determined as permissible area. The remaining 5.93 hectares barani, Dakar Salab land in village Kurli, Sanouli and Batouli is declared surplus. Information from Amritsar, Ferozepur, Gurdaspur, Hoshiarpur, Jalandhar, Ludhiana, Moga, Muktsar, Sangrur, Kapurthala and Nabha, Patiala, Samana Sub Divisions of Patiala District has not been received so far, so any land which have not come to light, but is later on detected anywhere in Punjab will go to the surplus pool.

TRUE TYPED COPY

ATTESTED

**Executive Magistrate
Dera Bassi**

ANNEXURE-R5

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ANNEXURE-R5

IN THE COURT OF SH. SHER SINGH SIDHU, PCS: COLLECTOR
AGRARIAN, PATIALA.

NO. 42

Date of Institution

State of Punjab

Versus

1. Golden Tourist Resorts and Developer
2. Golden Project Limited.
3. Golden Forests (India) Limited.

Present: Naib Tehsildar, Agrarian, Patiala.

ORDER:

Collector, Agrarian Rajpura determined the surplus area of the above mentioned companies vide his order dated 18.8.98. He clubbed all the three companies as one and allowed permeable area equal to the permissible limited allowed to be owned by one person. These orders were reviewed as per orders of the Addl. Commissioner (Appeals) Patiala Division dated 24.6.99. For determining the surplus area case of these companies a notice was issued to them to appear before this court and on their coming present they were directed to file return of the land occupied by them but inspite of giving many opportunities, the companies have failed to file any return. During the hearing of the case it came to the notice of the court that these companies are in occupation of the land in other districts of the State. All Deputy Commissioner of the State were requested to give information of the lands owned by these companies in their respective districts. Deputy Commissioner, Faridkot, Bhatinda, Fatehgarh Sahib, Nawan Shahr and Mansa informed that there was no agriculture land owned by these companies in their district. Deputy Commissioner, Roopnagar informed that one of

these company M/s Golden Forest (India) limited owned 3680 kanal land in village Shaktipur Hadbast No. 482 Tehsil Anandpur Sahib, Nabh Tehsil, Agraian made a statement on 23.9.2000 that the case has been pending for a long time and information from other districts has not been received, so it will be better if the surplus area of these companies is decided with a stipulation that if any of these companies owns any land in other district of the Punjab or other Tehsils of Patiala District that will be deemed to be in the surplus pool. He stated that these companies may not further sell the land, so the case may be decided at the earliest.

The case has been ordered to be reviewed by the Addl. Commissioner (Appeals) Patiala with the direction that the these companies came under the definition of "Person" individually and in case they are not subservient companies of M/s. Golden Forest India Limited. These companies were summoned for determination of the case denovo and they appeared and requested for adjournments to file returns of land owned by them, but none of these companies has filed the return.

The basic point for determination is regarding status of the three companies. It has to be decided at the outset as to whether these companies are to be clubbed together and treated as one person and allowed permissible area accordingly or on the other hand they are to be treated as three individuals persons and surplus area case of each one of them is to be decided independently by allowing each company permissible area equal to permissibility to one person. As per the record already available on file one of these three companies, the Golden Forest company is Registered as company b.o. 7310 dated

6.3.87 - by the Registrar of Companies. Golden Tourist Resorts and Developers is registered at company No. 06-11636 dated 23.95 and the third company Golden Projects Limited is registered a company No. 15-11812 of 1998 on 4.1.96. According to the definition of 'person' in Section 3 of the Punjab Land reforms Act person includes a company family, association or other body of individuals whether incorporated or not and any institution capable of holding property. As per this definition it is clear that these three companies are individuals persons and every company is entitled to permissible area admissible to one person. So a separate permissible area is to be calculated for every company. The land owned by these company separately is as under, accordingly permissible area is determined as follows:-

1) M/s Golden Forests India Limited: The company owns 7953 bighas 1 biswa i.e. 1656 acre land in Dera Bassi Sub Division and 3680 kanal i.e. 460 acre in village Shekhpur Tehsil Anandpur Sahib Distt. Roopnagar. The permissible area allowed is 7 hectares first quality land and the company is allowed to retain this area in village Jharmari. The land is barani, so the company is entitled to $7 \times 100/34 = 20.59$ hectares, when converted into bighas it comes to $20.59 \times 1000 = 245$ bighas 2 biswas. This company's permissible area is determined in Village Jharmari as per Annexure 'A'. The balance land owned by this Company in Village Jharmari and in other villages falling in Dera Bassi Sub Division and Anandpur Sahib Tehsil is declared surplus as per Annexure 'B'.

(2) Golden Tourist Resorts and Developers Limited: This Company owns 893 Bigha 15 Biswas land in Dera Bassi Sub

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Division and the permissible area is 7 Hectares of 1st quality land which is allowed in village Kurli and Meerpur where the land is 'Barani'. The permissible area is as per Annexure 'C'. The balance area is declared surplus as per Annexure 'D'.

3. Golden Projects Limited: This company owns 302 Bigha 14 biswas land as per detail below. As the information regarding land owned by this company is as under:-

Name of Village	Area	Kind of land
Kurli	57B-8B	Barani
Sanouli	219B-9B	Chahi Salab, Nehri and Gair mumkin
Batouli	25B-19 B	

63 Acres or 21.93 Hectares out of this chahi land is 6.47 hectares barani, slab Dakar is 6.46 Hectares, so permissible area is allowed in village Sanouli 6.47 Hectares of chahi land and 0.43 hectares barani land in the same village is determined as permissible area. The remaining 5.93 hectares barani, Dakar Salab land in village Kurli, Sanouli and Batouli is declared surplus. Information from Amritsar, Ferozepur, Gurdaspur, Hoshiarpur, Jalandhar, Ludhiana, Moga, Muktar, Sangrur, Kapurthala and Nehha, Patiala, Samana Sub Divisions of Patiala District has not been received so far, so any land which have not come to light, but is later on detected anywhere in Punjab will go to the surplus pool.

Announced. The file be consigned to record room after due compliance.

Collector, Agrarian,
Sub Divn. Derabassi

Dated: 20.10.2000

ANNEXURE 'A'

Permissible Area of M/s Golden Forest India Limited in village Jhaman Tehsil Dera Bassi

Khasra No. Area

300	4-00
299	4-00
298	4-00
297	4-00
293	4-00
292	4-00
291	4-00
290	4-00
130	5-18
129	3-14
128	4-06
127	4-00
126	4-00
125	4-00
124	4-00
123	4-00
122	3-02
121	4-06
120	4-00
119	4-00
118	4-00
117	4-00
116	3-10
115	3-14
114	3-14
113	3-14
112	2-10

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-2-

Khasra No.	Area
301	4-00
302	4-00
303	4-00
304	4-00
305	4-00
306	4-00
327	4-00
328	4-00
329	4-00
330	4-00
67	2-17
68	2-00
69	4-00
70	4-00
71	4-00
72	4-00
73	4-00
74	4-00
75	4-00
76	4-00
1092/224	2-01
225	4-00
234	4-00
235	4-00
236	4-00
237	4-00
238	4-00
239	4-03
240	4-00
241	4-00

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-3-

Khasra No.	Area
185	5-14
186	4-00
187	2-10
188	4-00
189	5-02
190 mln	2-10
Total 245 - 02	

Bighas Biswas

Sd/- Collector Agrarian,
Dara Bassi (Patiale).

ANNEXURE 'B'

Surplus area in the hands of M/s Golden Forest (India) Limited

S.NO.	Name of village	Area B - B	Kind of land
1.	Togapur	203	17 Chahi, Rousli
2.	Agahanpur	42	19 Rousli
3.	Jastana Khurd	10	17
4.	Malakpur	455	7
5.	Mianpur	46	12
6.	Jola Kalan	611	00
7.	Jola Khud	69	18
8.	Mukandpur	7	12 Rousli & Bhud
9.	Rampur Bahal	26	11 Chahi,
	Rousli, Bhud		
10.	Fatehpur	9	5 Rousli
11.	Samgouli	920	6 Rousli
12.	Kheeri Gujran	8	12 Barani
13.	Bijanpur	256	11 Barani
14.	Jandoli	46	9 Rousli
15.	Kurli	206	00 Barani
16.	Chandheri	35	8 Rousli
17.	Pir Machhala	181	2 Chahi, Gairmukin
18.	Ramgarh & Rurki	17	19 Barani
19.	Nirpura	312	00 Barani
20.	Batauli	395	17 Barani
21.	Jaraut	955	9 Chahi, Barani
22.	Kurli	639	13 Rousli
23.	Jharnari	1228	16
24.	Sanghotha	260	06 Rousli
25.	Batauli	406	11

-2-

- 26. Banghotha 553 10 Chahi Barant
- 27. Shakhpura tehsil 3680 Kanal
Anandpur Sahib

Sd/-
Collector, Agrafan
Dehbassi (Patla)

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ANNEXURE 'C'

Permissible Area of M/s Golden Tourist Resort and Developer
Limited in Village Kurli Tehsil Derabassi.

Khasra No.	Area
714/ 394	0-14
396	4-07
397	4-12
398	4-00
399	4-00
400	4-00
402/2	0-06
402/1	4-14
403/2	2-18
395	4-00
708/ 389	1-06
383	5-00
384	4-00
702/385	1-06
390	4-00
391	4-00
222	2-10
805/310	1-01
465	5-04
457	4-00
452	5-00
453	4-00
451	5-00
453	4-00

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Khasra No.	Area
466	4-00
467	4-00
458	4-00
459	4-00
460	4-00
463	4-00
464	4-00
469	4-00
468	4-00
430	4-00
448	5-00
438	4-00
441	4-00
442	4-00
445	4-00
446	4-00
439	4-00
440	4-00
443	4-00
475	5-01
549	4-00
550	4-00
450	5-00
493	105
494	5-03
495	2-00
496	2-00
497	2-00
498	2-00

8.61

-3-

Khasra No.	Area
472	4-00
473	4-00
474	4-00
483	4-00
484	4-00
482	4-00
495	4-00
431	1-10
433	5-06
435	4-00
436	4-00
437	4-00
471	4-00
Total	<u>245 - 00</u>

Bighas

Sd/- Collector, Agrarian
Dera Bassi, (Patiala)

SURPLUS AREA DECLARED

All the land standing in the names of Golden Forest (India) Limited and Golden Tourist Resorts and Developers Ltd. situate within the limits of Sub Tehsil Derabassi, Tehsil Rajpur, District Patiala in the following villages are declared surplus to vest in State Govt.

a) In the name of Golden Forest:

S.NO.	Name of village	Area B - B		Kind of land
1.	Togapur	203	17	Chahi, Rousli
2.	Agahanpur	42	19	Rousli
3.	Jastana Khurd	10	17	"
4.	Malakpur	455	7	"
5.	Mianpur	46	12	"
6.	Jola Kalan	611	2	"
7.	Jola Khud	69	18	"
8.	Mukandpur	7	12	Rousli & Bhud
9.	Rampur Bahal	26	11	Chahi,
	Rousli, Bhud			
10.	Fatehpur	9	5	Rousli
11.	Samgouli	920	6	Rousli
12.	Kheeri Gujran	8	12	Barani
13.	Bijanpur	256	11	Barani
14.	Jandoli	46	9	Rousli
15.	Kurli	206	00	Barani
16.	Chandheri	35	8	Rousli
17.	Pir Machhala	181	2	Chahi, Galmukh
18.	Ramgarh & Rurki	17	19	Barani
19.	Nirpura	312	00	Barani
20.	Batauli	395	17	Barani
21.	Jaraut	955	9	Chahi, Barani
22.	Kurli	639	13	Rousli
23.	Jharmari	1273	18	Barani
24.	Sanghotha	260	06	Rousli
25.	Batauli	406	11	"
26.	Banghotha	553	10	Chahi Barani

Total 7953 - 1 1656 Acre

b) In the name of Golden Tourist Resorts & Developers Ltd.

1.	Kurli	206-00	Barani
2.	Mirpur	111-97	

(Continue On page 2)

Sd/

Sub Divisional Magistrate
-Cum-
Collector, Agrarian, Rajpura.

Appendix

(Continue Page-2)

Continued land in the name of Golden Tourist Resorts and
Developer Limited.

- | | | |
|----|----------|----------------------|
| 3. | Jaraūt | 135-2 Rousli/Barani |
| 4. | Samgotha | 308-9 Dakr |
| 5. | Jhamari | 132-17 Chāhl, Barani |

Total 893-15

186 Acre

Sd/-Sub Divisional Magistrate,
-cum-
Collector Agrarian,
Rajpura.

APPENDIX-

Statement showing permissible area/ surplus area of M/s Golden Project Ltd.

Village	Area	Kind of land
	B - B	
1. Kurli	576 6	Barani
2. Sanauli	219 9	Chahi, Salab, Nahri & G. Mumkin
3. Batauli	25 19	Dakar, Rosli
Total	302 14	
In acres	63-0-0	
In Hectares	12.93	

(Chahi 6.47 Barani Sailab Dakar 6.46)

Total area 12.93 Hectare
Permissible Area 7.00 Hectare
Surplus Area 5.93 Hectare

Note: 6.47 Hectare chahi land & village Sanauli and 0.43 barani land of village sanauli is declared as permissible area.

Remaining 5.93 barani Dakar Sailab land in village Kurli, Sanauli and Batoli is hereby declared surplus.

Sd/- Collector (Agrarian)
Rajpura.

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ANNEXURE 'I'

Surplus area in the hands of Golden Tourist Resorts and Developer Limited

Sr.No.	Name of Village	Area	Kind of land
			B - B
1.	Mirpur	111-07	Barani
2.	Jarout	135-02	Roush/ Barani
3.	Samgotha	308-9	Dakr
4.	Jharmari	132-17	Chahi, Barani

Sd/- Collector , Agrarian,
Dera Bassi (Patiala).

ATTESTED TO TRUE COPY

Executive Magistrate ,
Dera Bassi

ANNEXURE-16

ANNEXURE R-7

IN THE COURT OF SHRI PARAMJIT SINGH, PCS, SDO (CIVIL)-
CUM-COLLECTOR AGRARIAN, HOSHIARPUR.

Surplus Case No. 1 of 1999.

Proceedings regarding surplus land in M/s
Golden Forest Company India Limited,
Mani Majra (UT) Chandigarh.

Present: Shri D.M. Sharma, Advocate, counsel for M/s Golden
Forest Company.

ORDER:

It has come to the notice of State that M/s Golden Forest Company Limited (UT), Chandigarh has purchased land and is owner of excess land as per provisions of Land Reforms Act, 1972 and has violated provisions of the Act. The letter of Collector, Hoshiarpur, bearing No. 436-37/ HRC dated 19.5.1998 was received in this office on 15.12.1998 whereby it was directed that proceedings be initiated against the company under the provisions of Land Reforms Act, 1972. Therefore, report was called from Tehsildar, Hoshiarpur, regarding the land purchased and owned by the company. The report was received on 4.8.1999 and on the basis of the report, it became prima facie clear that the company is holding land in excess of permissible area as per provisions of Land Reforms Act. Therefore, a notice was issued to the local office of the company which did not receive the notice. Therefore, the same was sent to the company at its head office at Chandigarh by registered post. Vide this notice, the company was directed to show cause by 29.9.1999 as to why proceedings against the company be not initiated for holding land in excess of permissible area. On 29.9.1999 company appeared through its counsel and sought time for filing reply. The case was adjourned for 13.10.1999. After getting number of adjournments, the company filed reply -cum- objections on

25.11.1999. In the meantime, the file was sought by Collector Agrarian Derabassi. However, Collector, Hoshiarpur vide letter No. 1054-RC, dated 23.2.2000 directed that the further proceedings be continued at Hoshiarpur.

2. That the Golden Forest India Limited Company was directed to file the declaration/ detail of the land owned by the company. But the company did not file any statement of the land owned by it despite ample number of opportunities granted to the company. Therefore, as per report of the lower revenue staff, it was found that the company is holding 10, 344 kanals and 11 marlas of land which was in excess of permissible area which individual or company could not hold as per provisions of Land Reforms Act. The detail of land is given below:

Sr.No.	Name of Village	Area	Detail
1.	Patari/ 501	3,249-5	See Annexure (A)
2.	Bassi Maraf Hussainpur	379-12	
3.	Chohal/494	13-0	
4.	Nari/ 492	3,331-0	
5.	Lal Pur/424	296-2	
6.	Kapahat/ 489	96-5	
7.	Takhni/ 497	836-1	
8.	Amiala Shahpur	2,013-3	
9.	Chak Gujran	130-3	
Grand Total		10,344-11	

3. Thereafter the Golden Land Forest Company was asked to exercise the option to select its permissible area, but the company did not avail of this opportunity. Under these circumstances, there was no option but to proceed further in this case. Thereafter the case came up for arguments on

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30.5.2000. The Ld. Counsel on behalf of the company argued that the company is not the sole owner of the land. There are number of unit holders of the company. He further argued that the company or head of unit holders is developing the land. It was further argued that the Golden Forest Company is developing the land as Co-operative Society. Therefore, the land purchased by the Golden Forest Company cannot be declared surplus.

4. I have heard the arguments of the Ld. Counsel for the company and have also gone through the reply tendered by the Golden Forest Company. I have very carefully gone through the record brought on the file. From the perusal of the file, it is revealed that Golden Forest Company has not submitted the list of the unit holders, who are alleged to be co-sharers in the land in question. Further, these alleged unit-holders have not been shown as co-sharers of the land in the revenue record. No sale deed has been executed in favour of these unit holders. Under these circumstances, unit holders cannot be termed as co-sharers or owners of the land in question. Therefore this objection of the company has no basis. The argument put forth by the Ld. Counsel for the company that Golden Forest Company is holding land of Co-operative Society could not be relied upon as the company had not submitted any registration certificate as Co-operative Society issued by the Registrar of Co-operative Societies, Punjab. Under these circumstances, I have come to the conclusion that the company is holding excess land than it is entitled to hold as per provisions of Land Reforms Act. The detail of the land owned by the company is given in Annexure 'A' which is also part of this order.

5. As per Section 7, Sub-section 2, if the land owner fails to furnish declaration supported by an affidavit, the collector is competent to reduce the permissible area of that person by such an area not exceeding two hectares of first quality land. As the company failed to file declaration supported by affidavit

despite number of opportunities granted to it, therefore, exercising powers under sub-section 2 of Section 7 of Punjab Land Reforms Act, I hold that two hectares of the land of the company be reduced while determining permissible area for the company. Therefore, the company is entitled to have permissible area of five hectares of first quality land instead of seven hectares of first quality land. The company is allowed to hold five hectares of first quality land as permissible area i.e. 108K-06 Mls situated in village Bassi Maruf Hussainpur, Hadbast No. 380, tehsil and district Hoshiarpur and the same is shown in Annexure 'B' which is also part of this order. The remaining land i.e. 10,236K-5M situated in different villages as detailed in Annexure 'C' owned by the company is declared surplus and same is shown in Annexure 'c' which is also part of this order.

6. The land shown in Annexure 'B' is determined as permissible area of the company, whereas the land shown in Annexure 'C' is declared surplus land of the company and the same vests in the State from the date of this order. The concerned Circle Revenue Officer is directed to take possession of the land declared surplus and to sanction the mutations of the surplus land in favour of the State. The file be consigned in the record room.

Announced
Dated: 31.5.2000

Sd/-
SDO (Civil)-cum-Collector
Agrarian, Hoshiarpur.

ANNEXURE-'A'

Total land purchased by Messrs Golden Forest Company Limited, U.T. Chandigarh.

Sr.No.	Name of Village	Area K - M
1.	Patiani/ 501	3,249-5
2.	Bassi Maraf Hussainpur	379-12
3.	Chohal/494	13-0
4.	Nari/ 492	3,331-0
5.	Lal Pur/424	296-2
6.	Kapahat/ 489	96-5
7.	Takhni/ 497	836-1
8.	Amiala Shahpur	2,013-3
9.	Chak Gujran	130-3
Grand Total		10,344-11

Sd/-

Dated: 31.5.2000

SDO (C)-cum-Collector

Agrarian, Hoshiarpur.

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ANNEXURE 'B'

Area reserved for Messrs Golden Forest Company Limited, U.T., Chandigarh under section 7(2) of the Land Reforms Act, 1972.

Number khasra 7//19(1-0), 20 (8-0), 21(7-2), 22(7-2), 23(7-2), 24(7-2), 10//6 (8-0), 7(8-0), 13(8-0), 14 (8-0), 23//4(8-0), 5(8-0) total area 12 acres -92 kanals-8 marla out of which 70K-15 Mls (irrigated), out of which 51k-16mls, 7112/9710 shares i.e. 3 hectares, has been reserved for Messrs Golden Forest Company, situated in village Bassi Maruf Hssainpur, hadbast No. 380, Tehsil and District Hoshiarpur.

Similarly Khasra Nos. 7//7 (0-11), 8(1-18), 9(3-9), 10(4-2), 11(8-0), 12 (8-0), 13 (8-0), 14 (8-0), 15 (8-0), 16(8-0), 17(8-0), 18(8-0), 19(8-0), 8//1 (6-18), 9//11 (8-0), 12 (8-0), 20(8-0), 21(8-0), 22(8-0), 10//6 (8-0), 7(8-0), 8(8-0), 15(8-0), 16(8-0), 17(8-0), 18(8-0), 23//6/1 (4-0) 24//2/2(4-0), 10/1 (4-0), 24//1 (8-0), total area 201k-16mls out of which 195k-18mls being 7112/9710 shares i.e. 143k-10mls and khasra Nos. 5//25/1 (3-7), 6//11(7-4), 12(8-0), 19(8-0), 27(7-4), 21 (7-2), being ½ share of 68k-1m i.e. 24k-1m, total barani land 167k-10mls and its 34% being 56k-10mls equal to two hectares, situated in village Bassi Maruf Hussainpur, Tehsil and district Hoshiarpur. Thus in all 5 hectares of land as specified above has been kept as reserve for M/s Golden Forest Company Ltd., UT, Manimajra, Chandigarh. As such 271 K-7mls of land of this village belonging to Messrs Golden Forest Company Ltd., UT Manimajra, Chandigarh has been declared surplus. This area has been included in Annexure 'C' pertaining to other villages.

Dated: 31.5.2000

Sd/-
SDO (C)-cum- Collector Agrarian
Hoshiarpur.

ANNEXURE 'C'

Area of Messrs Golden Forest Company Ltd., U.T.
Chandigarh declared surplus under the Land Reforms Act,
1972.

Sr.No.	Name of Village	Area declared surplus
		K - M
1.	Patant/ 501	3,248-5
2.	Bassi Meraf Hussainpur	271 -6
3.	Chohal/494	13-0
4.	Nari/ 492	3,331-0
5.	Lal Pur/424	295-2
6.	Kapahat/ 489	96-5
7.	Takrui/ 497	836-1
8.	Amiala Shampur	2,013-3
9.	Chak Gujan	130-3
	Grand Total	10,236-5

Sd/-

Dated: 31.5.2000

SDO (C)-cum-Collector
Agraian, Hoshiarpur.

ATTESTED To
Executive Magistrate
Dera Bassi

ANNEXURE - R-773

IN THE COURT OF SHRI PARAMJIT SINGH, PCS , SDO CIVIL-
CUM-COLLECTOR AGRARIAN, HOSHIARPUR.

Surplus Case No. 2 of 1999.

Proceeding of land reforms Act regarding the
land of M/s Golden Project Ltd., 835 Mani Majra (U.T.)
Chandigarh.

Present: Shri D.M. Sharma, Advocate, counsel for
M/s Golden Project Ltd.

ORDER

It has come to the notice of State that M/s Golden Project Ltd. (U.T.), Chandigarh has purchased land and is owner of excess land as per provisions of the Land Reforms Act, 1972 and has violated provisions of the Act. The letter of the collector, Hoshiarpur, bearing No. 436-37/HRC, dated 19.5.1998 was received in this office on 15-12-1998 whereby it was directed out that proceedings be initiated against the company under the provisions of Land Reforms Act, 1972. Therefore, report was called from Tehsildar, Hoshiarpur, regarding the land purchased and owned by the company. The report was received on 4-8-1999 and on the basis of the report, it became crystal clear that the company is holding land in excess permissible area as per provisions of Land Reforms Act. Therefore, a notice was issued to the company to show cause by 15-10-1999 as to why proceedings against the company be not initiated for holding land in excess of permissible area. On 15-10-1999 company appeared through its counsel and sought time for filing reply. The case was adjourned for a number of times as per request of the counsel for the company. Ultimately, the reply was filed on 20-12-1999 on behalf of the company. In the meantime, D.A. file was sought by collector, Agrarian, Derabassi. However, collector, Hoshiarpur, vide letter

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No. 1054-HRC, dated 23-2-2000 directed that the further proceedings be continued at Hoshiarpur.

2. That the Golden Project Limited Company was directed to file the declaration/detail of the land owned by the company. But the company did not file any statement of the land owned by it despite ample number of opportunities granted to the company. Therefore, as per the report of the lower revenue staff, it was found that the company is holding 3535k-16Mls of land which was in excess of permissible area which individual or company could not hold as per provisions of Land Reforms Act. The detail of the land is given by:-

Sr.No.	Name of village	Area Km	Detail
1.	Pattari/501	961-15	See Annexure (A)
2.	Adamwal/570	17-3	
3.	Nari/492	2,556-18	
		Total:	3,535-16

3. Thereafter the M/s Golden Project Company was asked to exercise the option to select its permissible area, but the company did not avail of this opportunity. Under these circumstances, there was no option but to proceed further in this case. Thereafter the case came up for arguments on 30-5-2000. The Ld. Counsel on behalf of the company argued that number of unit holders of the company. He further argued that the company on behalf of unit-holders developing the land. It was further argued that the Golden Project Ltd. Company is developing the land as Co-operative society. Therefore, the land purchased by the Golden Project Ltd. Company cannot be declared surplus.

4. I have heard the arguments of the Ld. Counsel for the company and have also gone through the reply tendered by

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the Golden Project Limited Company. I have very carefully gone through the record brought on the file. From the perusal of the file, it is revealed that Golden Project Limited company has not submitted the list of the unit holders who are alleged to be co sharers in the land in question. Further these alleged unit holders have not been shown as co sharers of the land in the revenue record. The revenue record, no sale deed has been executed in favour of these unit holders. Under these circumstances, unit holders cannot be termed as co-sharers or co-owners of the land in question. Therefore, this objection of the company has no basis. The argument put forth by the Ld. Counsel for the company that Golden Project Limited in holding land of Co-operative society issued by the Registrar of the Co-operative Societies, Punjab. Under these circumstances, I have come to the conclusion that the company in holding excess land than it is entitled to hold as per the provisions, of the Land Reforms Act. The detail of the land owned by the company is given in Annexure 'A' which is also a part of this order.

5. As per section 7, sub-section 2, if the land-owner fails to furnish declaration supported by an affidavit, the Collector is competent to reduce the permissible area of that person by such an area not exceeding two hectares of first quality land. As the company failed to file declarations support by affidavit despite number of opportunities granted to it, therefore exercising powers under sub-section 2 of section 7 of Punjab Land Reforms Act, I hold that two hectares of the land of the company be reduced while determining the permissible area for the company. Therefore, the company is entitled to have permissible area of five hectares of first quality land. The company is allowed to build five hectares of first quality land as permissible area i.e. 131 k- 17 Mls situated in village Nari

Hadbast No.492, Tehsil and district Hosharpur and the same is shown in Annexure 'B' which is also part of this order. The remaining land i.e. 340k-19m is situated in different villages as detailed in Annexure 'C' owned by the company is declared surplus and same is show in Annexure 'C' which is also part of this order.

6. The land shown in Annexure 'B' is determined as permissible area of the company, whereas the land shown in Annexure 'C' is declared surplus of the company and the same vests in the State from the date of this order. The concerned Circle Revenue Officer is directed to take possession of the land declared surplus and to sanction the mutations or the surplus land in favour of the State. The file be consigned in the record room.

Announced

Dated: 31.05.2000

Sd/-

SDO (CIVIL) - cum - Collector

Agrarian, Hosharpur.

ANNEXURE 'A'

Total area purchased by Messrs Golden Project Limited
Company, U.T., Chandigarh

Sr. No.	Name of Village	Area	
		K	M
1.	Pattan/ 501	961-5	
2.	Adammal/ 570	17-3	
3.	Nari/ 492	2566-18	
Total		3535-16	

Announced
Dated: 31.5.2000

SDO (Civil) cum- Collector
Agraiajn, Hoshiarpur.

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ANNEXURE 'B'

Area reserved for Messrs Golden Project Limited Company Chandigarh under Section 7(2) of the Land Reforms Act, 1972.

Khasra Nos. 1561(7-2), 1562 (6-15), 993 (2-1), 100 (1-19), 1007 (3-17), 1008 (1-11), 1009 (1-3), 1023 (0-4), 1024(1-5), 1025(1-4), 1705 (0-16), 1706 (5-08), 1747 to 48 (0-10), 1790 (0-8), 1791 (0-8), 1839 (1-16), 1841/1 (2-15), 245 (1-2), 633 (0-10), 634 (0-11), 635 (0-1), 640 (13-0), 703 (0-1), 628 (21-6), 707 (8-2), 1244 (1-18), 1245 (0-4), 1246 (0-16), 1247 (3-3), 1248 (0-13), total 98k-17m and 33K-0M out of 899K-4M bearing Khasra Nos. 1236 (1-2), 1237 (1-3), 1238/1 (57-12), 1239 (0-17), 1240 (0-12), 1241 (0-9), 1243 (134-9), 1251 (254-7), 1252 (108-1), 1252 (108-1), 1252/1 (11-1), 1253 (125-8), 1254 (114-2), 1255 (51-7), 1266 (7-2), 1267 (3-5), 1269 (5-11) and 1302 (22-16) situated in village Nari. Thus in all 5 Hectares of land as specified above has been kept as reserve for Messrs Golden Project limited company, U.T., Chandigarh. As such 2425K-1-1/2M of land of this village belonging to M/s Golden Project Company Limited U.T., Chandigarh has been declared surplus. This area has been included in Annexure 'C' pertaining to other villages.

Dated: 31.5.2000

Sd/-

SDO (Civil)-cum- Collector Agrarian,
Hoshiarpur.

ANNEXURE 'C'

Area of Messrs Golden Project Limited Company, U.T.,
Chandigarh declared surplus under the Land Reforms Act, 1972.

Sr. No.	Name of Village	Area declared surplus	
		K	M
=			
1.	Pattai/ 501	961-5	
2.	Adammal/ 570	17-3	
3.	Nari/ 492	2405-1 1/2	
Total		3403-19 1/2	

Dated: 31.5.2000

Sd/-

SDO (C)-cum-Collector
Amarian, Hoshiarpur.

WITNESSED To
Executive Magistrate
Dera Bassi

ANNEXURE-R8

ANNEXURE-R-8

English Translation of the order dated 02.05.2000 passed by
Collector Agrarian, Mukerian in Punjabi language.

IN THE COURT OF SH. PUNIT GOYAL, PCS, SDM CUM
COLLECTOR, AGRARIAN, MUKERIAN.

Regarding surplus case of M/s Golden Project Limited Golden
Complex Limited, Manimajra, U.T., Chandigarh in Sub Division
Mukerian for the assessment of purchase of surplus land as per
Surplus Act.

Case No. 1127/6/99

Date of decision 2.5.2000

Golden Project Limited Golden Complex Limited Manimajra
Company had purchased land from Sub Division Mukerian. Due to
the surplus purchase of land as per Surplus Act, the Collector,
Hoshiarpur vide letter No. 470/H.R.C. dated 18.5.99 issued
instruction to take action against this company under Land Reform
Act, 1972. On the basis of this letter, Tehsildar Mukerian/Naib
Tehsildar, Talwara has given a report for the purchase of land by
M/s Golden Project Ltd. S.C.O. 835 Golden Complex, Mani Majra,
U.T., Chandigarh and M/s Golden Project Ltd. S.C.O. 835 Golden
Complex, Mani Majra, U.T., Chandigarh was directed to file their
return till 25.6.1999 for the purchase of excess land as per the Land
Reforms Act 1972, through notice vide this office order No.
632/Reader Dated 11.6.1999, but this notice was not received by the
company at its given address and as per report directions were
received to send the notice at its Head Office. Thereafter, by serving
notice again at the above given address vide No.

827/Reader Dated 23.7.1999 direction were issued to file the return till 4.8.1999.

In reply to this notice, Sh. O.P. Kamboj, Counsel for Golden Project, 834 Mani Manjra, appeared and filed his return reply. As per the reply filed by the counsel it was admitted that the company has purchased land in Sub-Tehsil, Talwara, the detail of villages is as under.

Sr.No.	Name of Village	Area
1.	Sukh Chain Pur	376-8.5
2.	Bhodh Dhamania	472-9
3.	Chatarpur	979-12
Total:		1828-9.5

As per the written statement of the Counsel it has been stated that the Company has seven share holders, besides this the Company has further approximately 187000 public investors, the Company has purchased this land on their behalf and all the details have been informed to them. Besides this the Counsel for the Company has stated that as the Company is a registered Company Under Section 3 and 12 of Punjab Land Reform Act, as such Land Reforms Act is not applicable on the Company and the Counsel of the Company stated that being registered Company the notice may be filed. Besides this the Counsel of the Company admitted that Golden Forest Ltd. Company has land

measuring 1888 Kanals 9.5 Marla in sub-division, Mukerian. It has also been stated by him that all this land is Gair-Mumkin which cannot be declared as surplus as per para 8 of Land Reform Rule 1973 and the Company has not used this land for agriculture. As per this version the Counsel for the Company has requested to file the notice. Ex-Parte proceedings have been initiated against the Company on dated 12.11.1999 because of the absence of Counsel for the Company or any other authorized person of the Company after 15.9.1999.

To take advise on this case, a request was made to the Deputy Commissioner, Hoshiarpur, vide this office letter No. 1425/Reader dated 29.11.1999. In this regard instructions for the next proceedings was received from the office of Deputy Commissioner, Hoshiarpur, vide letter No. 1053/H.R.C. dated 23.2.2000. On receipt of letter, a report was demanded through concerned field officer of circle revenue for the land purchased by the Golden Project Ltd. Mani Majra in Sub-Division, Mukerian. As per the report, M/s Golden Project Ltd. Mani Majra has purchased land measuring 1827 Kanals 10 Marla in the following villages. As per rule 8 of Land Reform Act, the list for the land purchased by the Company was prepared as per Khasra No. and village and the value was taken as per standard hectare, which is attached here as annexure A:

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Sr. No.	Name of Village and Hadbast No.	Area
1.	Sukh Chain Pur/584	361-9
2.	Bhodh Dhamania/585	486-9
3.	Chatarpur/579	979-12
Total:		1827-10

The statement and the reply filed by the counsel of the company was checked out and Land Reform Act 1972 was taken into consideration. The land purchased by the company falls under this act as per the Land Reform Act 1972. So the reply filed and plea taken by the Counsel for the Company that being registered Company the Act is not applicable, has been rejected. As regards the fact stated by the Counsel for the Company that the Company has seven share holders, the Company has not produced any evidence. So this objection has also been rejected and the Company is said to be one unit. The counsel for the Company stated that all the land is Gair-Mumkin, in this regard the report of C.R. Uj has given report that land Barani 72 Kanal 7 Marla Banjar Kadim 1723 Kanal 17 Marla Gair-Mumkin 31 Kanal 0 Marla and the Gair-Mumkin land has not been included in the evaluation. The remaining land which is as per annexure is 18.8040 standard hectare in village Chatarpur, Sukh Chain Pur, Bhodh Dhamania, has been purchased by the company, As per section 4 of the Land

Reforms Act 1972 the Company can hold only 7 standard hectare land, being one unit. So taking into consideration by deducting the above 7 standard hectare, remaining 11. 8040 standard hectare land is declared as surplus, because the Counsel for the Company has not given preference of any village for permissible reserve area. So as per attached annexure "B" Khasra No.s of village Chatarpur has been reserved and as per annexure "C" Khasra No. of village Bhodon Dhamania, Sukh Chain Pur and Chatarpur has been declared as surplus. According to this proceedings have been issued under section 9(1) of Punjab Land Reform Act 1972.

Dated: 2.5.2000

Sd/-
Collector Agrarian
Mukerian

ATTESTED To True copy
Executive Magistrate
Dera Bassi

01-6-2000
Mukeshwar

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Case No. 112810799

DATE OF DECISION: 01-06-2000

with the M.S. golden sand
of the *Wundt* (p. 1. Chondrich
skeleton, etc.) in each case purchased as
regarding the same in the discussion of the
same in the discussion of the same.

[illegible]

and excess of the remaining limit under the land
claiming act, 1820, with letter no. 627/Reader dated
19.06.1990. The company is requested to file return up to
19.06.1990. The notice was not received by the company
and the return remains due. The report was received to
indicate the costed land of the Chandigarh. It may that the
land is not considered as a matter of 27/10/1990 dated 26.07.1990
and it was requested to file the return up to dated
19.06.1990.

[illegible]

16/11/86

In reply to above mentioned notice the counsel
for the company, on behalf of Golden Project
Limited, submitted the following reply and stated
that the company Golden Project Limited Golden
Project Limited is a company registered in India
as such Golden Project Limited is a
company and the land purchased by
Golden Project Limited, the notice was issued vide
order of 21/11/1999 to file return of
land under the Land Revenue Act, 1957 up to dated
01/11/1999. The counsel for the company, G. S. Pella Advocate
submitted that the notice the counsel of the
company submitted that the company is a registered one and
not looking upon as a Hindu temple and the notice has been
issued to the persons who invested
many thousands rupees as investors with the intention to
earn profit and to divide among them selves, As such all
the land from those it was
purchased and there land was not
considered as a Hindu temple. The counsel further submitted that
the land to which land belongs is a Kandi Area and kind
of land is not covered within
the definition of land as per Land Revenue Act. The kind
of land mentioned in the Jarabandi as Banjar Kadin is also
not covered as per the reason it is requested

Submitted to the Deputy Commissioner,
Jarabandi, the case related with the Golden
Project Limited. As per order no. 1425/Reader dated
11/11/1999, the same kind so it was

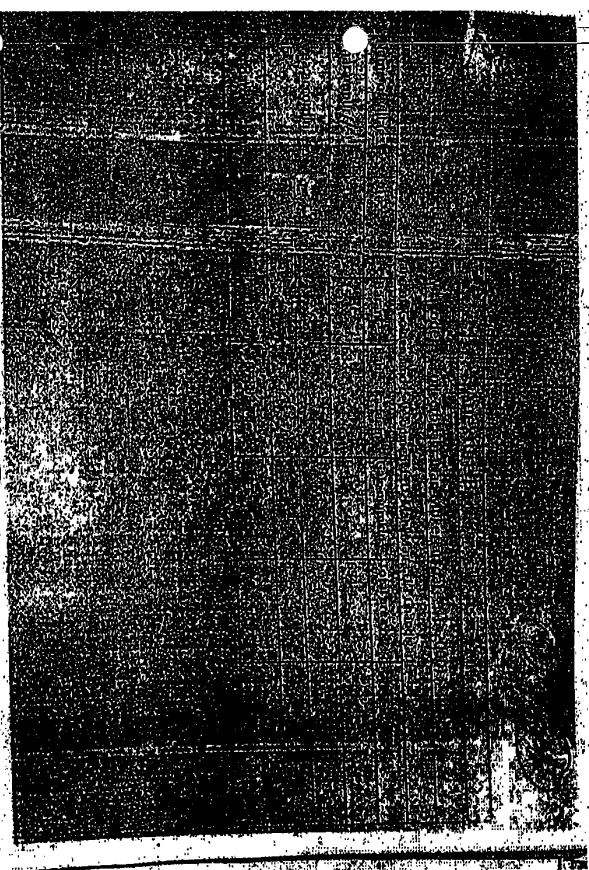
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...The necessary instructions are
...to conduct necessary
proceedings.

The necessary report has sought regarding the
...Development Mini Ma-
...from the field staff of
...C.R.O. that
land was purchased by the Kaitan Land
...Dharamdas Bachast no-
...of the purchased land
was made in standard hectares as per Land Reforms Act
Rules Under Section 10 of the Khassa No. given as per
...

The statement and the reply filed by the counsel
of the company was checked and Land Reform Act 1972 was
taken into consideration. The land purchased by the company
...the Land Reform Act 1972. So
the reply filed and taken by the Counsel for the
company that being registered company the Act is not
applicable has been rejected. As regards the fact stated
by the counsel for the company that the company has been
established with the money lent by many thousand investors,
share holders, that the land is in the name of the company
therefore the Act is not applicable, it has been
rejected. The land is of kind Gair
...but contrary to this
...the land is Banjar
...this claim of the company
...the company is considered as one

Under Secretary to Govt. Punjab
Land Department



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OK'd
Kenny Altman
Chief Secretary to Govt. Pundit
Residence: Deerpark Rd.

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Scanned with CamScanner

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No.145179 of 2019

In

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

I N D E X

S. No.	Particulars	Page(s)
1.	Rejoinder to the reply filed by State of Punjab	1 - 5
2	Affidavit in support	6
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4.	Annexure A-2 Affidavit of Committee dated 14.10.2013 filed in W.P.(c) No. 4309 of 2012 before High Court of Delhi	16 - 59
5.	Annexure A-3 Print out taken from website of PUDA	60

Filed on:

Filed by:

(SURUCHI AGGARWAL)

Advocate for the Applicant-Committee

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

IA No.145179 of 2019

In

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

REJOINDER TO THE REPLY/AFFIDAVIT FILED

BY STATE OF PUNJAB

RESPECTFULLY SHOWETH

1. That the Committee has perused the reply-affidavit sworn in by Navpreet Singh Shergil Tehsildar Derrabassi District SAS Nagar and signed by Capt. Karnail Singh, PCS Additional Secretary to Govt. Of Punjab Revenue, Rehabilitation and Disaster Management Department and found to be technically defective. In the para 1, Sh. Navpreet Singh Shergil has alleged to have solemnly affirmed and declared the rest of the paragraph of the affidavit in New Delhi however pages 2 to 27 of the affidavit have been signed by Capt. Karnail Singh, PCS Additional Secretary to Govt. Of Punjab Revenue, Rehabilitation and Disaster Management Department in Chandigarh.

Prime facia this shows that the State of Punjab has not taken the filing process as seriously as it should had been. The responsibility cannot be fixed on any official of Punjab Govt.

over any incorrect fact placed in front of court. Legally the affidavit may not be taken on record as the same has not been lawfully sworn in.

2. That the alleged deponent has put forward various submissions however the reply is confined to only two – three points which committee finds it necessary to rebut as under:
3. That in the reply the State has objected to filling of this I.A. on two points, 1) that the earlier I.A. No. 36379 of 2018 filed by the Committee seeking direction for the transfer of W.P. no. 17778 of 2014 pending before the Punjab and Haryana High Court has been dismissed by this Hon'ble Court and 2) that the relief sought in this I.A is the same as sought in W.P. 17778 of 2014 which is pending before Hon'ble Punjab and Haryana High Court.

It is submitted that it is correct that the Committee filed I.A. No. 36379 of 2018 for transfer of the said Writ Petition pending before Punjab and Haryana High Court along with various other cases and this I.A. was dismissed on 7.8.2019 but in the same order Hon'ble Court kept the issue of surplus land cases open and fixed 25.9.2019 for consideration as to what has to be done on the surplus land cases. It was to assist the Hon'ble Court, the Committee filed the present I.A. with a prayer to this Hon'ble court to adjudicate upon the Surplus land matters. Therefore it is incorrect to say the Committee has moved similar I.A.

4. That the state of Punjab has only referred to the provisions of law mentioned in Punjab Land Reforms Act 1972 and have only pleaded that the Collector Agrarian, Derrabassi,

Hoshiarpur and Mukerian have rightly passed orders under the Act.

It is pertinent to mention here that since the year 1998 onwards there were multiplicity of inquiries/legal sanctions on the Golden Forest Group from various authorities including SEBI, Income Tax and Punjab Vigilance Department. The Directors were not in a position to either appear in person or through representative before any authority. The cases before the Collectors were also pending and could not be represented by the Golden Forest Group. In fact the Directors of the Golden Forest Group were arrested in December 2000. It may be noticed that the orders passed by the Collectors Agrarian were ex-parte orders and passed in the absence of proper representation and returns filed by Golden Forest Group.

It was only the Provisional Liquidator appointed by Punjab and Haryana High court in 2003 and thereafter this Committee which has contested the appeals before Financial Commissioner so that interest of lacs of investors of Golden Forest Group could be secured. The Committee respectfully submit that the Hon'ble Court may examine the correctness of the orders passed by Collector Agrarian.

5. That it has been repeatedly pleaded that no evidence regarding constructed area was produced before any authority to claim benefit of section 27 of Punjab Lands Reform Act as amended in 2011. Here the Committee respectfully submits that a number of evidence including photographs of constructed area in village Jharmari, Kurli, Jarout etc, evaluation report of constructed area prepared by Dr.

4

Namavati and a copy of brochure prepared by Golden Forest Group indicating its plan of a commercial/residential township on NH-22 in the said villages. Some of the photographs of the constructed area are annexed here as **ANNEURE A-1**. (Pg- to Pg-)

It has been held by the Financial Commissioner that the companies could not provide any evidence regarding permission obtained for construction either in the shape of CLU or any other document giving permission to the companies. Here it is submitted that the amendment brought in Punjab Lands Reform Act through a notification dated 22.11.2011 exempted the agricultural lands which were acquired and put to non-agricultural use from the holdings of a person and this amendment was made applicable retrospectively from appointed day i.e. 24.1.1971.

In the case of Golden Forest Group Companies, the lands were put to non agricultural use just after acquiring them and built upon in the year 1995-1997. The very idea of the amendment is to give benefit to those who acquired the agricultural land any time after 24.1.1971 and put the same to non agricultural use and did not have permission to construct. The relief has been granted to them from taking any further permission. Therefore it is incorrect to say that the Golden Forest companies did not produce any evidence like CLU regarding constructed land.

6. That it is totally incorrect and misleading that the Committee has vide an Affidavit dated 14.10.2013, filed before Delhi High Court in WP (C) 4309 of 2012, admitted that the entire area is agricultural land and there is no construction on it. The Committee has in fact vide that affidavit filed details of

constructed lands with Khasra no. & areas, copy of Dr. Namavati Assets Evaluation report and Site Plan. For ready reference copy of affidavit dated 14.10.2013 is annexed as **ANNEXURE A-2.** (Pg — to Pg —)

7. That the reply of the State regarding issue of NOC from Punjab Housing Development Board is vague and cannot be accepted. The fact is that the issuing authority i.e. Punjab Housing Development Board issued the NOC on 24.5.1995 while acting upon the application dated 17.4.1995 moved by one of the Golden Forest Group Companies M/s Golden Tourist and Resorts Limited, whereas as alleged by the State of Punjab, Punjab Urban Planning & Development Authority was established in July 1995. Therefore Punjab Housing Development Board was within its jurisdiction to issue such NOC. The State of Punjab cannot escape its responsibility for any document issued by its Department/Board. A printout taken from the Website www.puda.gov.in indicating its establishment in July 1995 is annexed as **ANNEXURE A-3.** (Pg — to —)
8. Therefore, keeping in view of the above it is prayed that the reply filed by State of Punjab may please be dismissed as the same is devoid of merit

New Delhi
Date:

Suruchii Aggarwal
Advocate
Counsel for Applicant- Committee – GFIL
(Appointed by Hon'ble Supreme Court of India)

6

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No.145179 of 2019

In

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

AFFIDAVIT

I, Shri Brij Mohan Bedi, S/o Shri Sadhu Ram Bedi, aged about 69 years, R/o H. No. 22, Sector-4, Panchkula, do hereby solemnly affirm and state as under:-

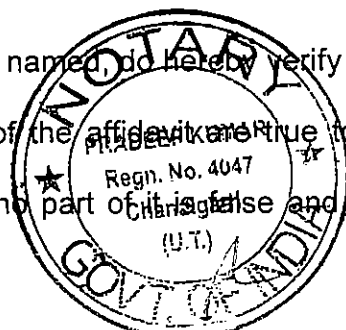
1. That I am one of the members of the Committee appointed by the Hon'ble Supreme Court. I am duly authorised and being fully competent and fully conversant with the facts and circumstances of the case, I am competent to swear this affidavit.
2. That I have read the contents of accompanying rejoinder to the reply filed by State of Punjab which has been prepared under my instructions.
3. That the contents of the accompanying rejoinder are true and correct to the best of my knowledge and are derived from record of the case. Annexure are true copy of its original.



DEPONENT

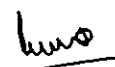
VERIFICATION:-

I, the deponent above named, do hereby verify and state that the contents of paragraph 1 to 3 of the affidavit are true to my knowledge based on records of the case, no part of it is false and nothing material has been concealed there from.



Verified by me at on this the 6th day of February, 2020.

PRADEEP KUMAR
Notary, Chandigarh (U.T.)



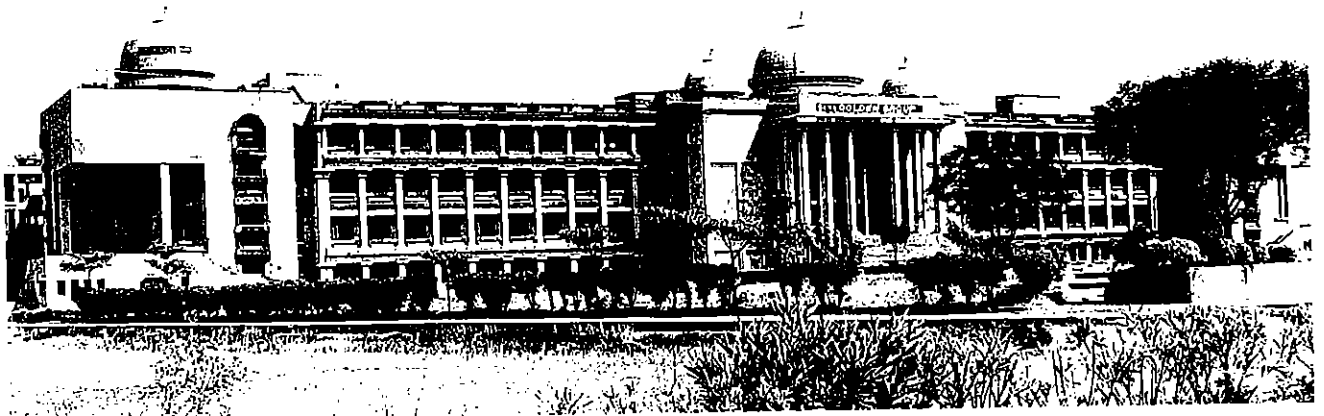
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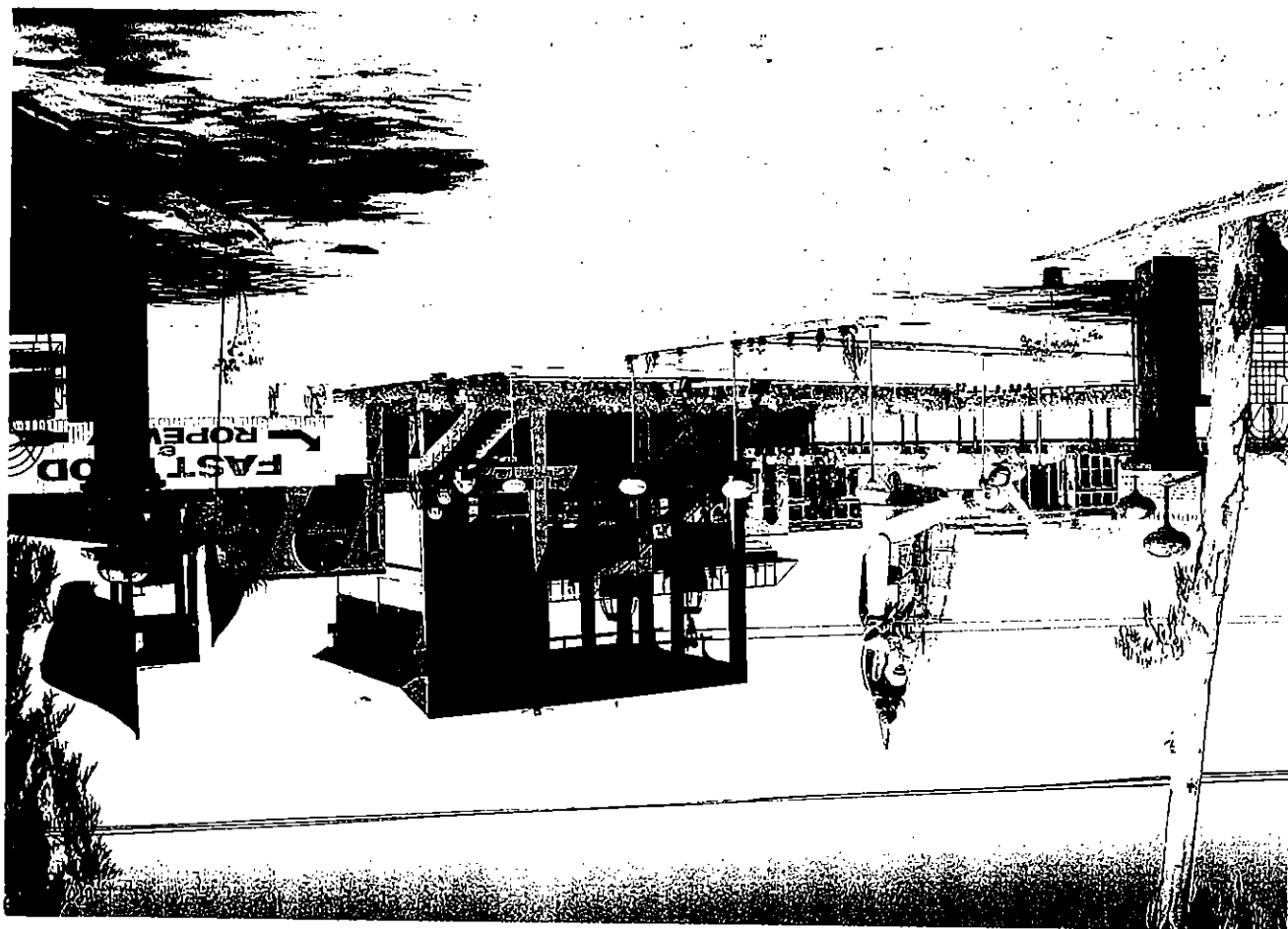
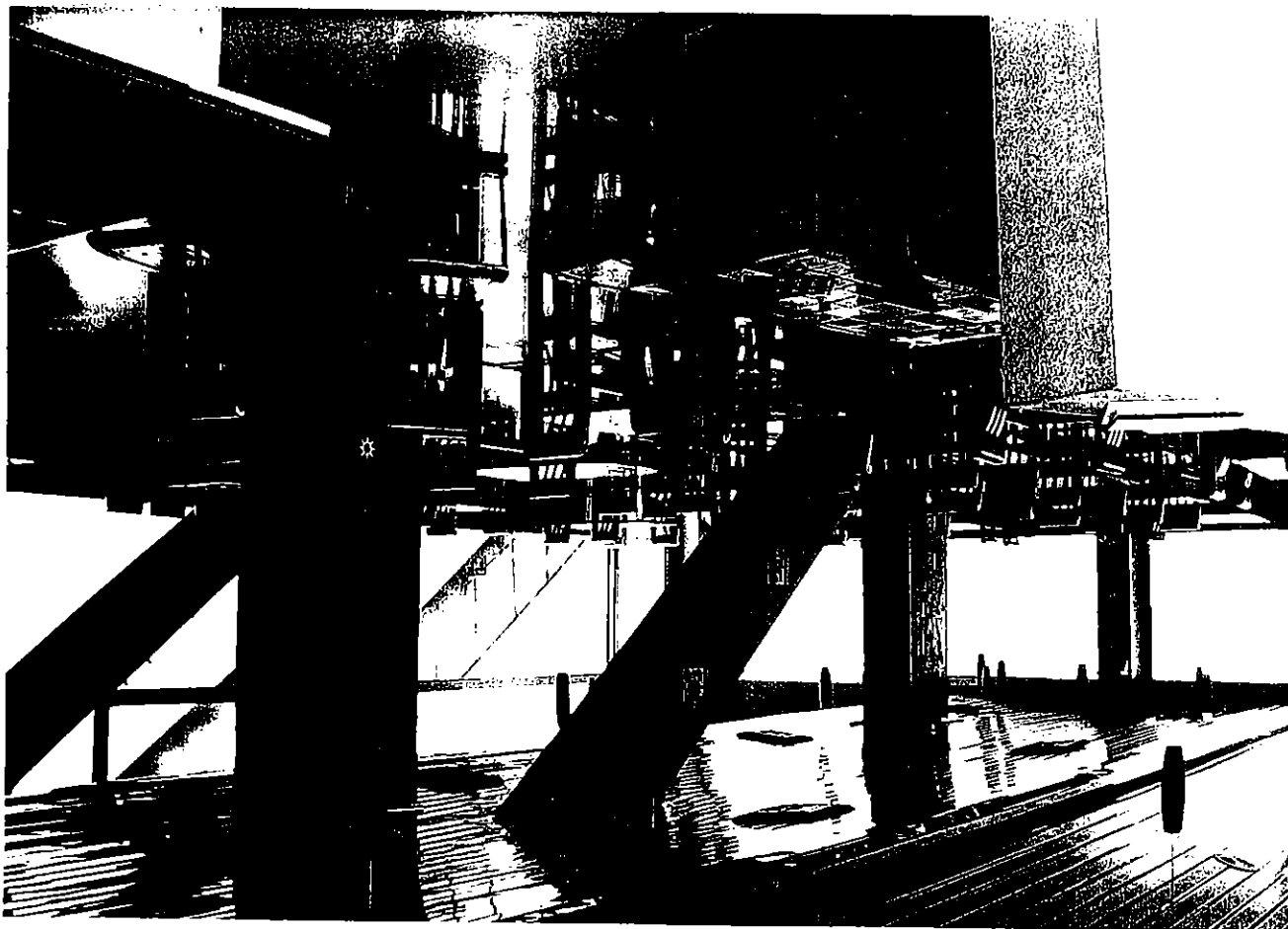
6 FEB 2020

The contents of the affidavit Document has been registered in the deponent's record. He/She has attested the same to be correct. The deponent/affiant has signed Register at Sr. No. 87 Date: 6/2/2020.

ANNEXURE - A1

7

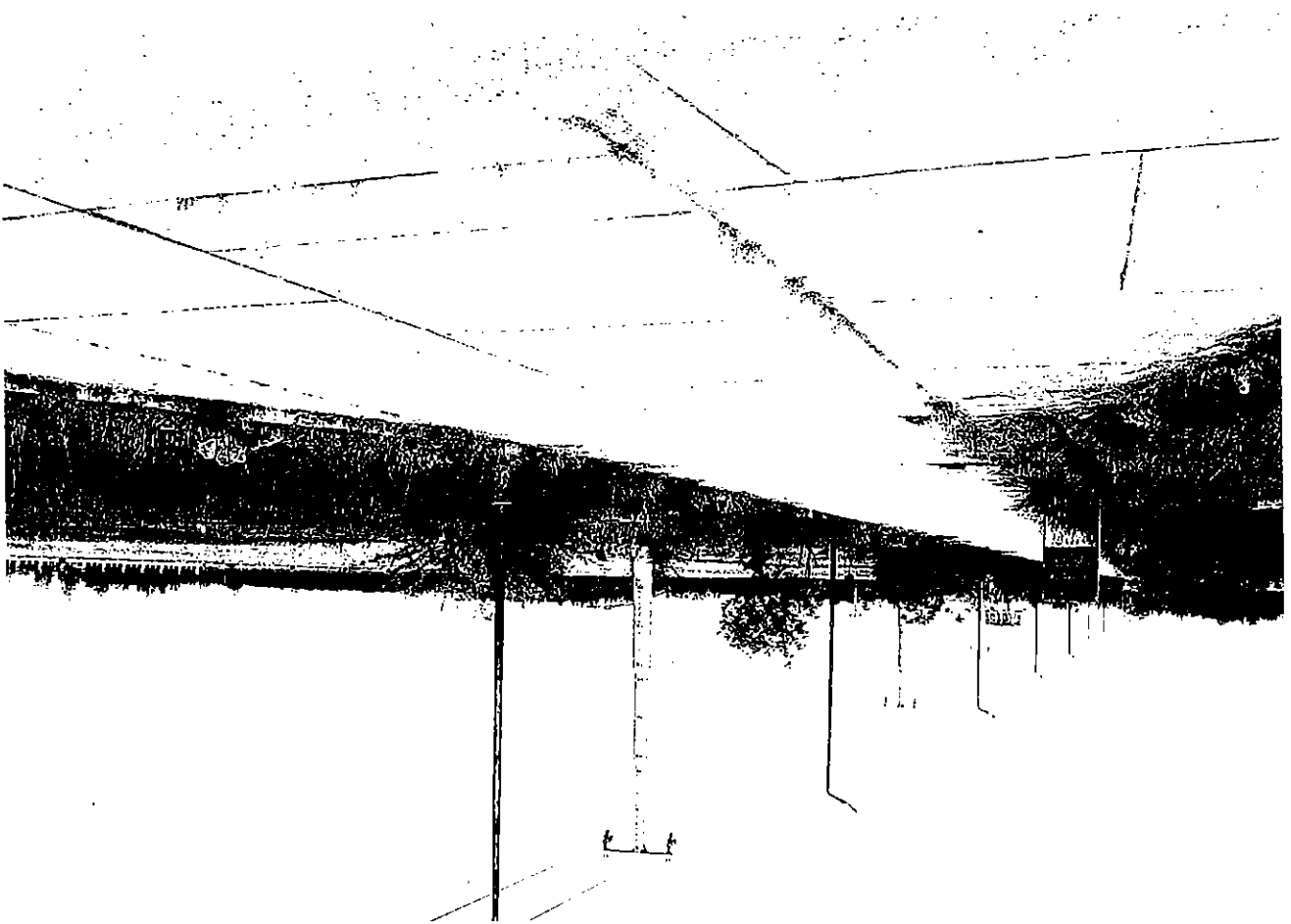
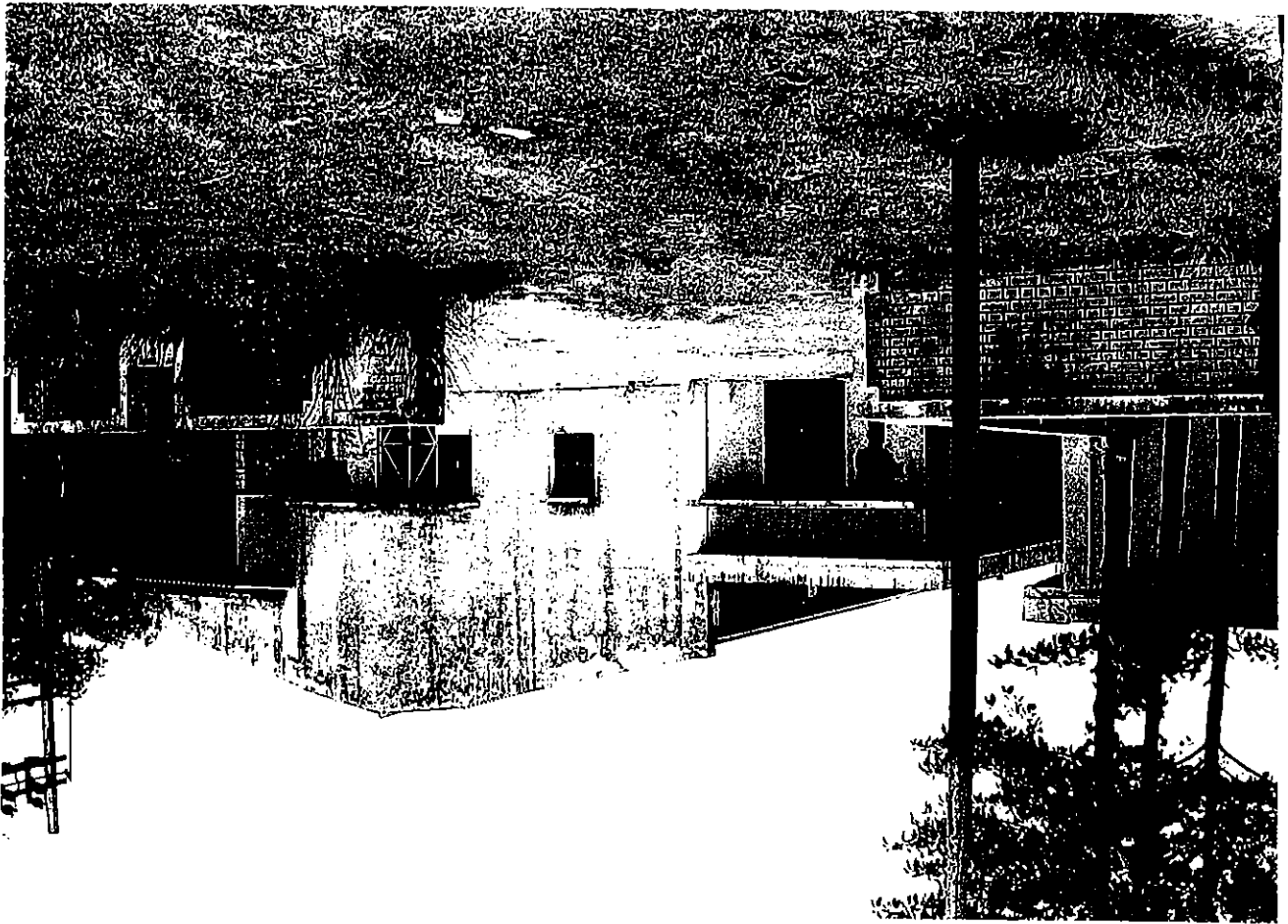


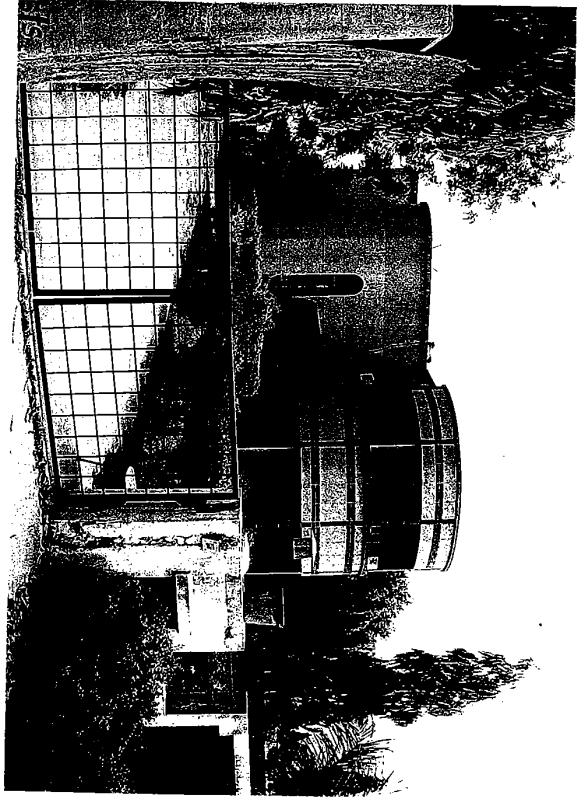




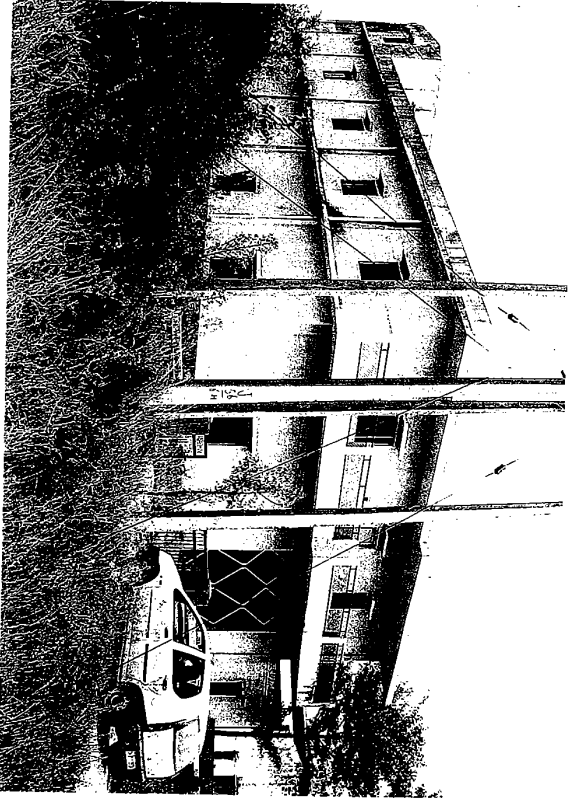
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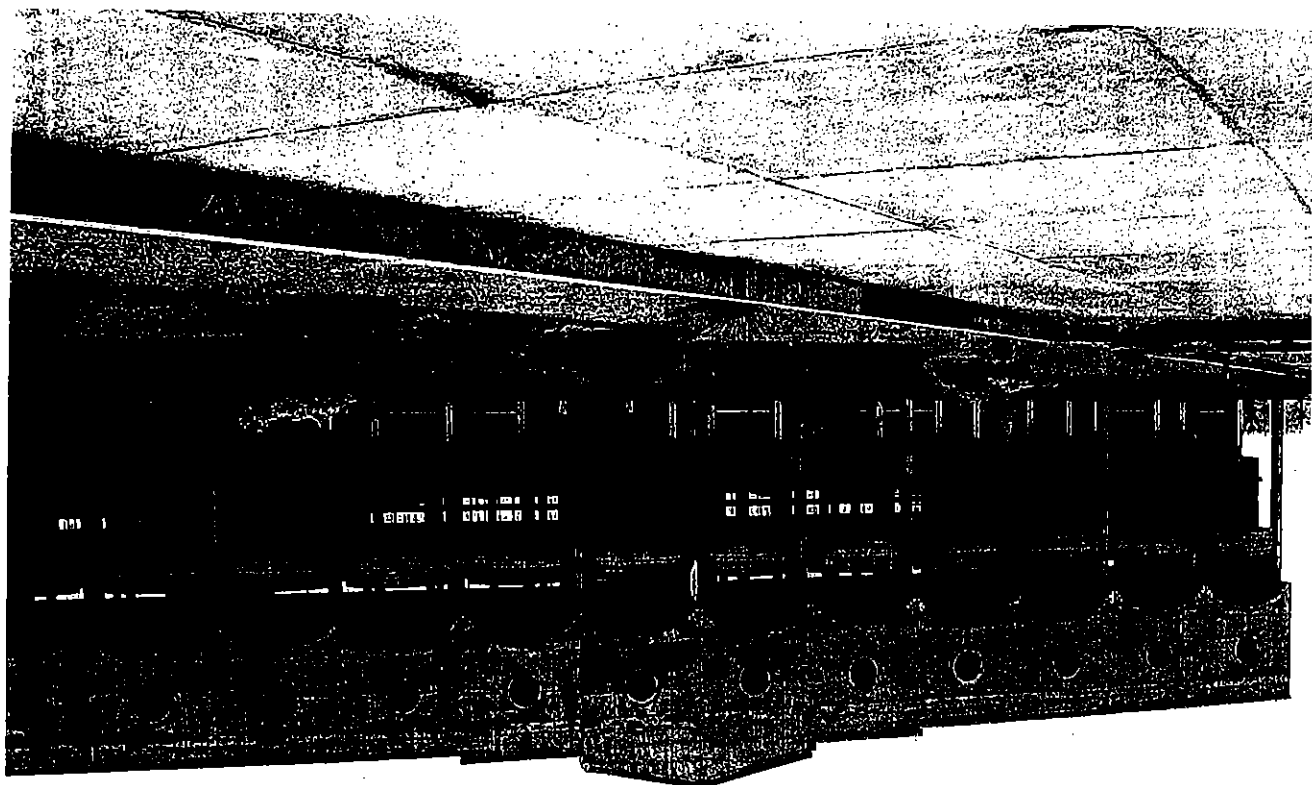


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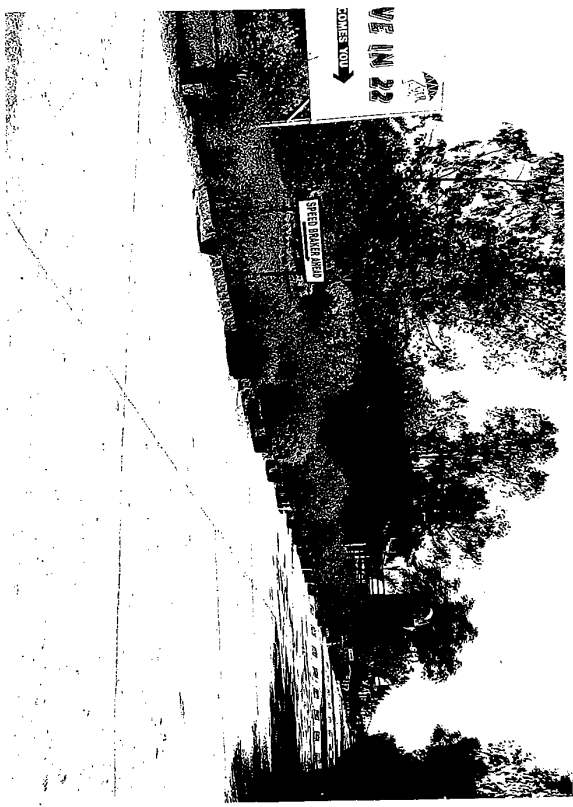






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15



0/6

IN THE HIGH COURT OF DELHI AT DELHI

(ORIGINAL JURISDICTION)

ANNEXURE A-2

C.W.P. No. 4309 of 2012

16

In the matter of

The Committee – GFIL

.... Petitioner

(Appointed by the Hon'ble Supreme Court)

Village & Post Office Jharmari, Via Lalru,

Tehsil Dera Bassi, District Mohali(Punjab)

Versus

State of Punjab, through Chief Secretary
and Ors.

.... Respondents

INDEX

S.No.	Particulars	Date	Pages
1.	Affidavit of the Committee, Appointed by the Hon'ble Supreme Court of India	04.10.2013	1-5
2.	Annexure A-1: Details of 14 Built-up Properties.	04.10.2013	6-25
3.	Annexure A-2: Copy of Dr. Namavati Assets Evaluation Report.	23.06.1998	26-43
4.	Annexure A-3: Site Plan	-	44

Fixed for :

Through

Filed on _____

New Delhi

(Prashant Chauhan)
Advocate

No.P/2571-B/1999

Counsel for the Committee-GFIL

IN THE HIGH COURT OF DELHI AT DELHI
(ORIGINAL JURISDICTION)

17

C.W.P. No. 4309 of 2012

In the matter of

The Committee – GFIL

.... Petitioner

(Appointed by the Hon'ble Supreme Court)

Village & Post Office Jharmari, Via Lalru,

Tehsil Dera Bassi, District Mohali(Punjab)

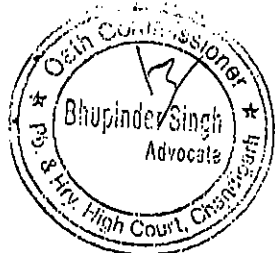
Versus

State of Punjab, through Chief Secretary
and Ors.

....Respondents

AFFIDAVIT

AFFIDAVIT OF SHRI H.L.RANDEV, DISTRICT AND SESSIONS
JUDGE (RETD.) R/O H.NO. 1510, SECTOR 36-D, CHANDIGARH,
ONE OF THE MEMBERS OF THE COMMITTEE APPOINTED BY
HON'BLE SUPREME COURT OF INDIA IN THE
AFOREMENTIONED MATTER:



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

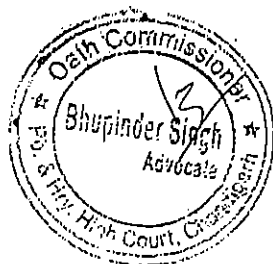
1. That being one of the Members of the Committee, I am fully conversant with the facts of the case and competent to depose thereto.
2. That the facts as stated in this affidavit are based on the information derived from the record of the case.
3. On 25.09.2013, the Hon'ble High Court of Delhi passed the following order:-

"After hearing counsel for the parties, the Court is of the opinion that the petitioner should place on record

AND ...

affidavit showing the exact extent of constructed portion, which according to it falls within the purview or can be described as 'non-agricultural use', to claim the benefit of amendment to the Punjab Land Revenue (Amendment) Act, 2011.

The affidavit shall be filed within three weeks with advance copies to learned counsel for the respondents. List on 11.11.2013."



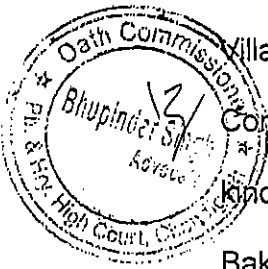
4. The Committee-GFIL has provided details of all the built-up properties owned by Golden Group of Companies in the State of Punjab which it claim to be excluded from the provisions of Punjab Land Reform Act, 1972 under the amendment brought in Nov, 2011 by Punjab Government. These details are annexed as Annexure P-4 of Writ Petition. The Hon'ble Court has asked the Committee-GFIL to provide the exact extent of built-up land which the Committee -GFIL claimed to be exempted under the amendment to the Punjab Land Revenue (Amendment) Act, 2011. The Committee has prepared a detailed report of all the built-up properties and has annexed the same with this affidavit as **Annexure A-1 (Colly.)**.

5. As per the detailed report submitted herewith, the total extent of built-up properties is 371.51 Killa (or Acres) in the villages of Tehsil Derabassi, District Mohali, situated right on the National Highway-22. The same properties were earlier evaluated by Dr. Namavati who submitted his report on 23rd June, 1998. As per that report the cost of construction was

SLR

Rs.310 Crores in 1998. The Committee has filed Dr. Namavati Assets Evaluation Report alongwith Writ Petition as Annexure P-12. The Committee again files the report with this affidavit to support its claim over the built-up properties. The Copy of the Dr. Namavati Assets Evaluation Report is annexed as Annexure A-2.

6. It is pertinent to mention here that the area comprised of property Nos. 1 to 6 in Village Jharmari and Property Nos. 8 to 11 in Village Kurli, of the report annexed, was converted into a Urban Complex by the Golden Group of Companies having different kinds of buildings e.g. Office, Hotel, School, Automobile Shade, Bakery, Resort, Fast Food Restaurant, Temple and Tubewell etc. The whole area is covered by a concrete wall which measures about 6 Km in length (as per Dr. Namavati Assets Evaluation Report). At a distance of less than 1 Km, Property No.7 is situated in Village Jarout; this property consists of 10 three storey residential and 2 Multi-storey Office Buildings.



To approach all these properties, the Golden Group built 100ft. wide private common road running from National Highway between property Nos. 1 to 3 on the right side and Property Nos. 4 to 6 on the left side and other inner roads. This private road has been provided with Street lights and drainage system. The road is situated at Village Jharmari, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, 36 Km from Chandigarh and 12 Km from Ambala. Apart from this a ropeway is also installed in the Building – Fast Food Restaurant (Property No.12) which runs

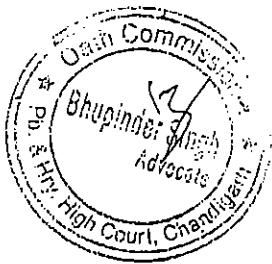
[Signature]

over the other properties of Golden Group. It is supported over a few huge iron pillars installed at some gaps. This ropeway ends at amusement park part of Hotel Drive In-22 (Property No.8).

7. From the above, it is the apparent the lands were acquired by the Company Golden Forest (India) Ltd. and other associate Companies for developing the sites into a mini township providing all kind of facilities such as School, Hotel, Tourist Resort with amusement park, Fast Food Restaurant and other residential and commercial facilities. For the convenience of the Hon'ble Court, the Site Plan of the properties is annexed as Annexure A-3. The conclusion clearly is that the building sites and other surrounding areas of lands were acquired for non-agricultural use and were actually put to non-agricultural use soon after acquisition. These areas of lands clearly fall within Part-I of the exemption clause in Section-27 (i) of the Land Reform Act, 1972, as amended in 2011.

8. Under the orders of the Hon'ble Supreme Court, the properties No. 6, 8 & 11 have already been auction sold by the Committee-GFIL. The sales were confirmed by the Hon'ble Supreme Court and Sale Certificates have been registered & possession delivered. Property No.5 has also been auction sold being under permissible area of the surplus order passed by Collector Agrarian, Derabassi, District Mohali (Punjab). This sale was confirmed by the Hon'ble High Court of Delhi and Sale Certificate has been registered & possession delivered.

Signature



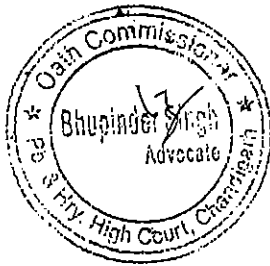
I swear that the contents of my above affidavit are true and correct to
the best of my knowledge and nothing material is suppressed or
concealed therefrom.

21

[Signature]
DEPONENT

Verified at Chandigarh on this the 14th day of October, 2013.

[Signature]
DEPONENT



4681
Certified that above statement was
on Oath/S.A. before me at Chandigarh
by H. K. Dinesh
Son/Daughter of Q. 10-1510
Resident of Sector 36-D
Teh. Chandigarh
Identified by [Signature]
who is person known to me.

14-10-13
Dated

[Signature]
Oath Commissioner
Chandigarh

I identify the deponent
who has signed this affidavit
marked in my presence
[Signature]
Signature
of the
Office

ANNEXURE-A1

22

**SUMMARY OF BUILT-UP PROPERTIES
INCLUDING LANDS APPURTENANT TO MINI TOWNSHIP
(Never put to agricultural use by Golden Group of Companies)**

Sl. No.	Village	Property Name	Property No.	Area (In Killa)
1	Jharmari	Central Office Building	1	32.21
2.	Jharmari	Hotel (Behind Central Office Building)	2	19.25
3.	Jharmari	Buildings (Behind Hotel)	3	29.11
4.	Jharmari	Appurtenant Land (Opp. Central Office Building)	4	80.37
5.	Jharmari	Fast Food Restaurant (Adjacent to Central Office Building)	12	1.50
6.	Jharmari	School Building	5	16.00
7.	Jharmari	Appurtenant Land (Adjacent to School)	6	12.25
8.	Jharmari	Appurtenant Land under private roads	13	6.43
Total (Village Jharmari) =				197.12
9.	Jarout	10 Residential & 2 Office Buildings	7	25.68
Total (Village Jarout) =				25.68
10.	Kurli	Tourist Resort – Drive In-22	8	43.25
11.	Kurli	Appurtenant Land (Adjacent to Tourist Resort-Drive In-22)	9	57.70
12.	Kurli	Appurtenant Land (near Tourist Resort-Drive In-22)	10	9.26
13.	Kurli	Appurtenant Land (near Tourist Resort-Drive In-22)	11	1.39
Total (Village Kurli) =				111.60
14.	Peermuchhala	Appurtenant Land adjoining Sector-20, Panchkula	14.	37.11
Total (Village Peermuchhala) =				37.11

Total Area = 371.51 Killa

Description of Property No.1

23

Central Office Building, Roads, Temple, and open area, Bounded by Hotel, NH22, Govt. Road, 100 ft. wide private Road, Area: 128 Bigha 17 Biswa equivalent to 32.2125 Killa situated at Village Jharmari, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, 36 Km from Chandigarh and 12 Km from Ambala.

This property bears Khewat No.93, Khatauni No. 291, Khasra Nos. 284(4-0), 287(4-0), 290(4-0), 291(4-0), 292(4-0), 293(4-0), 285(4-0), 286(4-0); Khewat No.36, Khatauni No.183, Khasra Nos.334(4-0), 335(3-19); Khewat Nos.38, 39, Khatauni No.185, 186, Khasra Nos.324(4-14), 325(4-0), 326(4-0), 327(4-0), 328(4-0), 329(4-0), 330(4-0), 331(4-0), 332(4-0), 333(6-7), Khewat No. 4, Khatauni No. 6, Khasra Nos. 315(3-2), 316(4-0), 317(4-0), 318(3-2), Khewat No. 4, Khewat No. 16, Khatauni No. 65, Khasra Nos. 337(3-14), 338(4-18) is owned by M/s Golden Health Care Private Limited; and as described in the Jamabandi for the year 2007-08 and 2/3rd of Khewat No.16, Khatauni No. 65, Khasra Nos. 339(5-19), 340(4-0) as per Jamabandi for the year 1997-1998 equivalent to (6-12.5), Khewat No. 76, Khatauni No. 304, Khasra Nos. 283(4-0), 288(4-0), 289(4-0) & 294(4-0) equivalent to (10-13).

Description of Property No.2

24

Hotel behind Central Office, Semi Constructed Hotel with 85 rooms (Approx.) and open Areas, Bounded by: road, Central Office Building, Govt. Road, 100 ft wide private road, Area Approx. 19.25 Killa (77 Bigha & 0 Biswa) situated at Village Jharmari, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, 36 Km from Chandigarh and 12 Km from Ambala.

This property bears (1) Khewat No.93, Khatauni No. 291, Khasra Nos.311(3-2), 312(4-0), 297(4-0), 298(4-0); (2) Khewat No.11, Khatauni No.37, Khasra Nos.300(4-0), 301(4-0), 302(4-0), 303(4-0); (3) Khewat No.11, Khatauni No.38, Khasra Nos. 1259/1260/308(4-0), 1261/1262/309(4-0); (4) Khewat No.11, Khatauni No.39, Khasra Nos.306(4-0), 307(4-0); (5) Khewat No.11, Khatauni No.40, Khasra Nos.304(4-0), 305(4-0), 299(4-0); and (6) Khewat No.11, Khatauni No.42, Khasra No.1201/310(2-17); is owned by Golden Forests (India) Limited as described in the Jamabandi for the year 2004-05 and (7) Khewat No. 93, Khatauni No. 291, Khasra Nos. 313(4-0), 314(3-2) as described in the Jamabandi for the year 2007-08 and 2/3rd of Khewat 76, Khatauni 304, Khasra Nos. 296(4-0) as per Jamabandi for the year 1997-98 equivalent to (2-13), 2/3rd of Khewat No.77, Khatauni 305, Khasra Nos. 236(4-0), 237(4-0) as per Jamabandi for the year 1997-98 equivalent to (5-6).

Description of Property No.3

25

Buildings behind Semi constructed Hotel; consisting of Farm House, 2-Storeyed building, Automobile shed, vehicle washing station, vehicle workshop, rest room and open lands. Area Approx. 29.11 Killa (116 Bigha & 9 Biswa), situated at Village Jharmari, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, 36 Km from Chandigarh and 12 Km from Ambala.

This property bears (1) Khewat No.15, Khatauni No.62, Khasra Nos. 132(3-6), 133(2-12) equivalent to (5-18) and 2/3rd of 131(4-14), 134(4-0), 135(4-0), 136(4-0) equivalent to (11-2.5) (2) Khewat No.21, Khatauni No.70, Khasra Nos.212(3-2), 213(4-0), 216(4-0), 217(4-0), 220(4-0), 215/1(2-0); (3) 2/3rd of Khewat No.21, Khatauni No.71, Khasra Nos.204(4-0), 1090/223(2-0) equivalent to (4-0); (4) Khewat No.23, Khatauni No.73, Khasra No.205 MIN(3-0), 207(2-0), 208 MIN(2-0), 209(4-0), 214(2-0), 218(4-0), 219(4-0), 222(1-14), 211/2/2(2-2), 1104/206(2-0); and 2/3rd of 1089/223(1-0) equivalent to (0-13), (5) Khewat No.23, Khatauni No.74, Khasra No.205 MIN(1-0), 208 MIN(2-0), 214(2-0), 222MIN(2-6), 207(2-0), 1104/206(1-19) and 2/3rd of 1089/223 MIN (1-0) equivalent to (0-13); (6) 2/3rd of Khewat No.23, Khatauni No.75, Khasra No.1091/224(1-19) equivalent to (1-6); (7) Khewat No.25, Khatauni No.84, Khasra Nos.146(4-0), 147(4-0), 1255/145/1(0-3); (8) Khewat No.25, Khatauni No.93, Khasra Nos. 144(2-6), 1254/145(2-0); (9) Khewat No.25, Khatauni No.99, Khasra Nos.140(4-0) and 2/3rd of 1197/137((1-9) equivalent to (0-19); (10) Khewat No.25, Khatauni No.107, Khasra No.1096/142(2-12); (11) Khewat No.25, Khatauni No.112, Khasra Nos. 139(4-0), 1195/142(2-12) & 2/3rd of 138(2-18) equivalent to (1-18.5), and (12) 2/3rd of Khewat No.94, Khatauni No.292, Khasra Nos.185(5-14), 1092/224(2-1) equivalent to (5-3) is owned by Golden Forests (India) Limited as described in the Jamabandi for the year 2004-05.

Description of Property No. 4

26

It is in the form of land opposite Central Office Building, to the left side of 100 ft. wide private Road, Area: 321 Bigha - 10 Biswa equivalent to 80.375 Killa situated at Village Jharmari, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, 36 Km from Chandigarh and 12 Km from Ambala.

The detail of property as per Jamabandi for the year 1997-98:

Khewat No.	Khatoni No.	Owner Company	Khasra No.	Bigha	Biswa
77	305	GFIL	186	4	0
			187	2	10
			189	5	2
			190	5	2
			191	5	2
			192	4	0
			194	3	14
4	5	GTRDL	195	3	14
			1102/196	3	19
4	10	GTRDL	197	4	0
			198Min	1	18
4	5	GTRDL	198Min	1	7
4	10	GTRDL	198Min	0	9
4	11	GFIL	1257/58/199	3	14
10	37	GFIL	200	4	14
			201Min	2	2
			201Min	1	18
10	39	GFIL	202	5	10
10	40	GFIL	203Min	1	18
10	39	GFIL	203Min	2	2
10	40	GFIL	225	4	0
77	305	GFIL			

27

Khewat No.	Khatoni No.	Owner Company	Khasra No.	Bigha	Biswa
36	187	GFIL	226	4	0
			227	4	0
			228	3	0
			229	4	0
			230	4	0
			231	4	0
			232	3	14
			233	4	0
77	305	GFIL	234	4	0
			235	4	0
			238	4	0
			239	4	0
			240	4	0
			241	4	0
			242	3	14
36	187	GFIL			
76	304	GTRDL	251	6	6
			252	5	2
			253	4	8
			254	2	9
			255	4	0
			256	4	0
			257	4	0
			258	4	0
			259	4	0
			260	4	0
			261	4	0
			262	4	0
			263	4	0
			264	4	0

Khewat No.	Khatoni No.	Owner Company	Khasra No.	Bigha	Biswa		
76	304	GTRDL	265	4	0		
			266	4	0		
			267	4	0		
			268	4	0		
			269	4	0		
			270	4	0		
			271	4	0		
			272	4	0		
			273	4	0		
			274	4	0		
			275	4	0		
			276	4	0		
			277	4	0		
			278	4	0		
			279	4	0		
			280	4	0		
			281	4	0		
			282	4	0		
			295	4	0		
			16	65	GTRDL	341	4
342	6	1					
343	5	18					
344	4	0					
345	4	0					
346	5	14					
347	5	9					
348	4	0					
16	66	349				4	0
		350				4	0
16	65	351	4	0			
		352	2	0			
		353	5	0			

Total Area: 321 Bigha – 10 Biswa

Description of Property No. 5 (Sold by the Committee-GFIL)

29

School Building with Hostel, Science Block, Theatre, Canteen, Play Grounds, Parking Area, Metalled Road & Street Light, ideally situated 10 Kms from Ambala and abutting on Chandigarh - Ambala - NH 22, Area: Approx. 16 Killa & 3 Bigha situated at Village Jharmari, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh, NH22, 36 Km from Chandigarh and 12 Km from Ambala.

This property bears: (1) Khewat No. 45, Khatoni No. 195, Khasra Nos. 112Min (2-11), 115Min (1-17), 121Min(2-3), 123(1-10), 124(4-0), 122Min(1-11), Kitte 6, 13 Bigha-12 Biswa, (2) Khewat No.45, Khatoni No. 197, Khasra Nos. 119(2-0), 120(4-0), 123Min(2-10), 113(3-14), Kitte 4, 12 Bigha - 4 Biswa, (3) Khewat No. 45, Khatoni No.200, Khasra Nos. 115Min(1-17), 116(3-10), 117(4-0), 126(4-0), 127(4-0) Kitte 5, 17 Bigha - 7 Biswa (4) Khewat No.45, Khatoni No.205, Khasra Nos. 112Min(2-10), 114(3-14), 118(4-0), 119Min(2-0), 121Min(2-3), 122Min(1-11), 125(4-0), 128Min(4-6) Kitte 8, 24Bigha - 4 Biswa and (5) Khewat No.15, Khatoni No. 62, Khasra Nos. 129(3-14), 130(5-18), Kitte 2, 9 Bigha - 12 Biswa, total Kitte 25, total area 16 Killa & 3 Biswa (76 Bigha 19 Biswa), as described in the Jamabandi for the year 2007-2008.

Description of Property No. 6 (Sold by the Committee-GFIL)

30

It is in the form of land adjacent to School and situated 10 Kms from Ambala and abutting on Chandigarh - Ambala - NH 22 in village Jharmari, Hadbast No.159, Tehsil Dera Bassi, Distt. Mohali, Area 49 bigha (or 12.25 Killa).

The land bears Khewat No.94 Khatauni No.292 Khasra Nos.67(2-17), 68(2-0), 69(4-0), 70(4-0), 71(4-0), 72(4-0), 73(4-0), 74(4-0), 75(4-0) & 76(4-0), Kitta 10 measuring 36 bigha & 17 biswa and Khewat No.27, Khatauni No.106, 321/422 share in Khasra Nos.82(4-0), 83(4-0), 88(4-0) and 77(4-0), Kitta 4 measuring 16 bigha, of which 321/422 share works out to be 12 bigha and 3 biswa, total area 49 bigha is owned by Golden Forests (India) Limited, as described in the Jamabandi for the year 2007-2008

Description of Property No.7

10 Residential & 2 Office Buildings, 7 buildings are on the left of the main road & 5 buildings on the right side of the main road, 3 storey building with internal roads and open spaces, Area: Approx. 25.68 Killa situated at Village Jaraut, Tehsil: Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, about 2 Km from Ambala-Chandigarh NH-22, about 38 Km from Chandigarh and 14 Km from Ambala.

This property bears Khewat No.193, Khatauni No.301, Khasra Nos. 2260/1568(2-0), 2262/1569(2-0), 2263/1570(2-0), 1571(5-16), 1572(4-0), 1573(4-0), 1574(4-0), 1575(3-2), 1577(4-0), 1578(6-4), 1579(4-0), 1580(2-0), 1604(2-4), 1605(4-0), 1606(4-0), 2267/2268/1607(4-0), 2268/2269/1608(4-0), 1609(4-0), 1610(2-4), 1611(2-4), 1612(4-0), 1613(2-4), 1623(2-7), 1624(5-4), 1625(3-4), 1626(2-0), 1627(4-0), 1628(5-2), 1631(3-10), 1634(1-10), is owned by Golden Forests (India) Limited as described in the Jamabandi for the year 2006-07.

Description of Property No.8 (Sold by the Committee-GFIL).

32

Tourist Resort (Drive in 22) comprising Bar, Restaurant, Banquet Hall, Amusement Park, about 35 Huts, pond, Indoor games building, Parking Area (and internal) Roads, Bounded by Road and open fields, situated at Village Kurli, Tehsil Derabassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH-22, 36 km from Chandigarh and 12 km from Ambala (among other properties), Area 172 Bighas 19 Biswas or 43.25 Killa (or Acres).

The land comprised in (1) Khewat No.1, Khatauni No.3, Khasra Nos.404 (5-0), 405 (4-0), 406 (4-0), 407 (3-8), 408 (4-0), 409 (4-0), 410 (4-0), 411 (4-0), 412 (4-0), 413 (4-0), 414 (3-11), 415 (4-0), 416/1 (2-5), Kitta 13, area 50 Bighas 4 Biswas, (2) Khewat No.1, Khatauni No.4, Khasra Nos.416/2 (0-15), 417 (4-16), 418 (4-0), 419 (4-0), 420 (4-0), 421 (4-0), 422 (4-0), 423 (4-0), 424 (5-0) Kitta 9, area 34 Bighas 11 Biswas, and (3) Khewat No.49, Khatauni No.128, Khasra Nos.701/382 (3-6), 703/385 (2-14), 704/386 (1-14), 706/388 (1-14), 707/388 (2-6), 387 (2-17), 709/389 (2-14), 711/392 (2-14), 712/393 (1-14), 713/393 (2-1), 715/394 (1-8), Kitta 11, area 25 Bighas 2 Biswas, is owned by Golden Forests (India) Limited and (4) Khewat No.56, Khatauni No.151, Khasra Nos.700/382 (1-14), 383 (5-0), 384 (4-0), 702/385 (1-6), 708/389 (1-6), 390 (4-0), 391 (4-0), 710/392 (1-6), 714/394 (0-19), 395 (4-0), 396 (4-7), 397 (4-12), 398 (4-0), 399 (4-0), 400 (4-0), 401 (4-12), 402/1 (4-14), 402/2 (0-6), 403/1 (2-2), 403/2 (2-18), Kitta 20, area 63 Bighas 2 Biswas, is owned by Golden Tourist Resorts and Developers Limited, total area 172 Bighas 19 Biswas as per the Jamabandi for the year 2004-2005.

Description of Property No.9

33

It is in the form of land adjacent to the Tourist Resort Drive-in-22 and Bounded by Govt. Road, Fields & Tourist Resort Drive-in-22 its Area is Approx. 57.70 Killa and situated at Village Kurli, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, 36 Km from Chandigarh and 12 Km from Ambala.

The land bears:

Khewat No.	Khatoni No.	Khasra No.	Bigha	Biswa	Share	Bigha	Biswa
1	3	429min	1	5	Full	1	5
1	4	425	5	0			
		426	4	0			
		427	4	0			
		428	4	0			
		429min	2	15	Full	19	15
50	134	503	4	0			
		508	4	0			
		509	4	0			
		510	2	16			
		511	4	0			
		512	5	0			
		513	5	0			
		514	4	0	Full	32	16
41	116	430	4	0	Full	110	16
		434/2	2	16			
		438	4	0			
		439	4	0			
		440	4	0			
		441	4	0			
		442	4	0			
		443	4	0			
		445	4	0			
		446	4	0			

Khewat No.	Khatoni No.	Khasra No.	Bigha	Biswa	Share	Bigha	Biswa
		448	5	0			
		450	5	0			
		451	5	0			
		452	5	0			
		453	4	0			
		454	4	0			
		455	4	0			
		457	4	0			
		458	4	0			
		459	4	0			
		460	4	0			
		463	4	0			
		464	4	0			
		465	4	0			
		466	4	0			
		469	4	0			
		470	4	0			
44	119	431	4	0			
		432	1	10			
		433	5	6			
		435	4	0			
		436	4	0			
		437	4	0			
		471	4	0			
		444	4	0			
40	115	447	4	0			
		449	5	0			
		456	4	0			
		461	4	0			
		462	4	0			
					876/1096	21	8
					Full	25	0

Contd. Property No.9

35

Khewat No.	Khatoni No.	Khasra No.	Bigha	Biswa	Share	Bigha	Biswa
24	65	475	5	1	Full	5	1
24	70	476	4	16	870/890	4	14
24	74	472	4	0	916/1096	6	14
		473	4	0			
28	62	474	4	0	916/1096	3	7

230 16

57.7 Killa

As per the Jamabandi for the year 2004-05.

Description of Property No.10

36

It is in form of land touching National Highway and near Tourist Resort (Drive in 22) its approx. Area is 9.26 Killa and situated in Village Kurli, Tehsil Derabassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH-22, 36 km from Chandigarh and 12 km from Ambala.

The land comprised in Hadbast No.158, Khewat No.49, Khatauni No.128, Khasra Nos. 367 (4-16), 697/368(3-10), 369(4-13), 370(2-10), 371(4-10), 375(2-10), 376(4-0), 377(4-13), and 378(5-19), Kitta 9, area 37 Bighas 1 Biswas (or 9.26 Killa), is owned by Golden Forest (India) Limited as per the Jamabandi for the year 2004-2005.

Description of Property No.11 (Sold by the Committee-GFIL).

37

It is in the form of land near Drive In-22 on National Highway-22 it Area has approx. 5 bigha 11 biswa (1.3875 Killa) and situated at Village Kurli, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, 36 Km from Chandigarh and 12 Km from Ambala.

This property bears Khasra No.866/380/2 measuring 4 bigha 10 biswa as described in Khewat No.49 Khatauni No.128 in the Jamabandi of village Kurli, Hadbast No.158 , Tehsil Dera Bassi, Distt. Mohali for the year 2004-2005 is owned by Golden Forests (India) Limited, and Khasra No.805/380 measuring 1 bigha 1 biswa described in Khewat No.56, Khatauni No.151 in the Jamabandi of Village Kurli, Hadbast No.158, Tehsil Dera Bassi, Distt. Mohali for the year 2004-2005 is owned by M/s. Golden Tourist Resorts and Developers Limited, which is a subsidiary/sister Company of the Golden Forests (India) Limited, Kitta 2 measuring 5 bigha 11 biswa.

Description of Property No.12

38

The Fast Food Restaurant adjacent to Central Office Building (Property No.1), having a Ropeway base installed on the building which goes upto Drive In-22 (Property No.8 in Village Kurli). Area: Approx. 6 Bigha 1 Biswa (1.5 Killa) situated at Village Jharmari, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH22, 36 Km from Chandigarh and 12 Km from Ambala.

The Property bears (1) Khewat No. 4, Khatauni No. 9, Khasra Nos. 1266/323(1-0), 1264/319(1-12), 322(4-0) its share 76/160 equivalent to (1-18) is owned by M/s Golden Tourist Resorts and Developers Private Limited; (2) Khewat No. 4, Khatauni No. 7, Khasra No. 1265/323(2-2) its share 9/42 equivalent to (0-9) is owned by the Golden Forests (India) Limited (3) Khewat No.4, Khatauni No.5, Khasra No.320(4-0) its share 128/160 equivalent to (3-4), 321/3Min(0-7), Area (3-11) (4) Khatauni No.10, Khasra Nos. 321/3Min(0-3), Area (0-3), is owned by Golden Tourist Resort and Developers Limited as per Jamabandi for the years 1997-1998 and Total Area: 6 Bigha 1 Biswa as per Jamabandi for the year 1997-1998.

Description of Property No.13.

39

To approach the properties Nos. 1 to 6, the Golden Group made 100ft. wide private common road running from National Highway between property Nos. 1 to 3 on the right side and Property Nos. 4 to 6 on the left side and other inner roads. This private road has been provided with Street lights and drainage system. The road is situated at Village Jharmari, Tehsil Dera Bassi, Distt. Mohali (Punjab) on Ambala-Chandigarh NH-22, 36 Km from Chandigarh and 12 Km from Ambala. Apart from this, a ropeway is also installed, in the Building – Fast Food Restaurant (Property No.12) which runs over the other properties of Golden Group. It is supported over a few huge iron pillars installed at some gaps. This ropeway ends at amusement park which is a part of Hotel Drive In-22 (Property No.8).

The common road consists of 1/3rd of (1) Khewat No.16, Khatauni No. 65, Khasra Nos. 339(5-19), 340(4-0) as per Jamabandi for the year 1997-1998 equivalent to (3-6.5), (2) Khewat No. 76, Khatauni No. 304, Khasra Nos. 283(4-0), 288(4-0), 289(4-0) & 294(4-0) equivalent to (5-7), (3) Khewat 76, Khatauni 304, Khasra Nos. 296(4-0) as per Jamabandi for the year 1997-98 equivalent to (1-7), (4) Khewat No.77, Khatauni 305, Khasra Nos. 236(4-0), 237(4-0) as per Jamabandi for the year 1997-98 equivalent to (2-14), (5) 131(4-14), 134(4-0), 135(4-0), 136(4-0) equivalent to (5-11.5), (6) Khewat No.21, Khatauni No.71, Khasra Nos.204(4-0), 1090/223(2-0) equivalent to (2-0); (7) 1089/223(1-0) equivalent to (0-7), (8) 1089/223 MIN (1-0) equivalent to (0-7); (9) Khewat No.23, Khatauni No.75, Khasra No.1091/224(1-19) equivalent to (0-13); (10) 1197/137((1-9) equivalent to (0-10); (11) 138(2-18) equivalent to (0-19.5), (12) Khewat No.94, Khatauni No.292, Khasra Nos.185(5-14), 1092/224(2-1) equivalent to (2-12). Total Area under 100ft wide private common road is 25 Bigha – 14.5 Biswa (6.43 Killa).

Description of Property No.14.

40

Land adjoining Sector-20, Panchkula, in Village Peermuchhala, Mohali, Area approx: 37.11 Killa. This land was acquired for Commercial/ Residential purposes and at present, the land is under Educational /Institutional Zone (of greater Mohali). In fact, property builders have developed whole of the village into Residential/Commercial complexes.

This property bears:-

NO OF //	KHASRA NOS.	BIGHA	BISWA	SHARE
	479	5	19	FULL
500	484	2	0	FULL
499	484	2	0	FULL
501	485	1	19	FULL
502	485	2	0	FULL
	483	4	7	FULL
	472	4	0	FULL
	473	4	9	FULL
	486	6	14	FULL
	390	2	10	FULL
546	392	2	1	FULL
	401	5	13	FULL
	402	2	19	FULL
	403	3	3	FULL
	404	4	0	FULL
	405	4	0	FULL
	406	4	0	FULL
	407	4	0	FULL
	408	2	4	FULL
	409	5	11	FULL
	410	4	0	FULL
	411	4	0	FULL
	412	4	0	FULL
	413	5	6	FULL

NO OF //	KHASRA NOS.	BIGHA	BISWA	SHARE
	414	5	16	FULL
	415	5	3	FULL
	416	4	0	FULL
	417	4	0	FULL
	418	4	0	FULL
	419	4	0	FULL
	420	4	0	FULL
	421	4	0	FULL
	422	4	0	FULL
	423	4	0	FULL
	424	4	0	FULL
	425	4	0	FULL
	474	3	15	10/18
504	471	4	3	10/18
	426	5	8	FULL

Total Area: 155 Bigha – 0 Biswa or 37.11 Killa is owned by Golden Forest (India) Limited as per Jamabandi for the Year-2006-2007

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DR. ROSHAN H. NAMAVA

Architect Engineer, Survi

Arbitrator & Registered Estate

22, Bombay Samachar Marg, Fort Mumbai-400023

Partner : A.P. Mahiar & Hamavati (Regd.) .

Secretariat complex Drive in 22 and More/ complex

Report Re :-

Fair market value of properties with mixed potentials of urban and semi urban nature situate in villages of Tehsil Derra Bassi District: Patiala in the State of Punjab and village Dang behri in Tehsil Narangarh District Ambala in the State of Haryana as on March 1398 owned by M/s Golden Forests (India) Ltd. and its subsidiary companies.

Under instructions from M/s Golden Forests Ltd. we have inspected and surveyed the above referred properties with mixed potentials of urban-and semi urban nature on 11th March; 12th March and 13th March 1998 with a view to estimate fair market value of the properties situate in villages of Dera Bassi Tehsil District Patiala in the state of Punjab. In order to ascertain the fair market value, the clients have supplied necessary details of the properties under valuation and based on the information's we have to report as

Basic Data

Number of properties have been purchased by M/s Golden Forests (India Ltd and its subsidiary companies in different villages of Tehsil Dera Bassi, District Patiala in the State of Punjab by Deed of conveyances as shown in Annexure "A' and as mentioned hereunder:-

- Fellow of the Indian Institute of Architects

- Member of the Indian Council of Arbitration.
- Registered Architect under the Architects Act, 197
- Fellow of the Institution of Engineers (India)
- Fellow of the institution of Surveyors.

Sr. No.	Name of village	Area of hectares
1	Aganpur	52.1875
2	.Bijanpur	1.44
3	Batauli	32.5000
4	Basauli	74.2075
5	Bijanpur	23.7800
6	Chanderi	2.9500
7	Dhiremajra	4.1400
8	Fatehpur	2.01
9	Jaula Khurd.	5.825.0
10	Jaula Kalan	65.32
11	Jolly	10000
12	J.astana Khurd.	3.0800
13	Jandi	0.7595
14	Jalandhar	0.0025
15	Jarmari	119.472..5
16	Jaraut	98.6400
17	Kasauli	2.9200
18	Kheri Gujran	06900
19	Kurli	77.4625
20	Kauli Majra	15.62
21	Mukandpur	0.7.400
22	Malikpur	37.80.
23	Mirpura	46.4400
24	Mianpur	4.3925
25	Nimuwa	1.3425
26	Piramchhala	14.9800

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27	Rampur Bahal	4.0950
28	Ramjarh Alia Road	1.4975
29	Seona Patiala	0.0175
30	Sangoli	69.04
31	Sangotha	42.5775
32	Toffanpur	17.3600
33	Dang Dehri	144.4700
	Total area	968.7495 Hectares

Situation and Location:-

The properties are situate abutting to National Highway No.22 i.e. Delhi -> Ambala -> Chandigarh --> Shimla except properties situate in village Pirmochhala, Sonali and Nimuva. The properties situate in village Pirmachhola is abutting to District Panchkula which is likely to be the capital of Haryana. Properties situate in village Sonali is also in the vicinity of District Panchkula and abutting Railway line i.e. Delhi-Chandigarh Railway line. The property in village Nimuva is situate in free Enterprise Zone. However these properties are at the moment undevelopable being very small in area and without proper access.

Other properties (except in villages Pirmachhala and Nimuva) are forming a contiguous land it is situate 35 kms from Chandigarh the capital of Haryana and Punjab and 8 kms from Ambala city. Number of industries have come up.

1. Wockhard
2. VESTA
3. Bhandari Mills
4. Tour Spences
5. Anand Gates (India Ltd.
6. Rane Polycot
7. L.P. bottling Farm
8. Euro Cotspin
9. Mushroom Factory

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- 10 Nahar Industries
 11. J.P. Coach
 12. L.P.G. bottling plant of Bharat Petroleum
 13. Anand Niskawa Batteries
 14. Agro Duch Co.

Moreover number of Housing Complex have been constructed in the vicinity of land, under valuation.

All civic amenities are available in the Lalru town, which is 4 Kms from the properties under valuation. Lalru is an Industrial town. Buses taxis and Rickshaws are available so far as the surface Communication is concerned.

Lalru Railway Station and Dholkot Railway Station are 5 kms and 8kms respectively away from the property under reference. Sufficient water supply and electricity supply are available to the properties.

National Highway No.22 is being widened to four lane traffic and the work of widening the National Highway is under progress. Construction and its costs:

The clients have already developed the lands as under:-

1 Golden Group Secretariat:-

A building with excellent facade resembling Karnataka Vid'han Soudha (Bangalore Secretariat) Having ground and three upper floor comprising of 150,000 sq.ft area is ready, under completion. There is a wide red stone over to reach the first floor and front pillars are of 32 ft. to 40 ft height with nice aesthetic architectural features along with domes. The facade is having cladding of Dholpur stone. The top finishing of dome is in granite.

It is an r.c.c. frame structure with rimmed slab building having panel and partition walls of brick masonry in C.M finished complete. The doors and windows are of Hollock (Assam wood) The flooring is of pre-cast terrazzo with colour pigments and granite

flooring in central block. The toilet blocks are provided with granite ceramics tiles flooring and dadoes.

In all ten Nos. passenger lifts are provided out of which four nos. are of Kone and six, numbers are of Blue Star Co. Out of 10 lifts 2 lifts will be of capsule type. Necessary full deposit amount has been paid to the lift companies.

The central block and administrative block are centrally a conditioned. Two NOs. of generators having capacity of 300 kva and 200 kva are provided for the Secretariat building in all 700 fans and solar energy system for heating the building are installed.

Fire fighting equipments to the building are provided.

Plumbing and electric installation of concealed nature and of superior quality are provided. The drainage is connected to septic tank.

COST OF CONSTRUCTION

Looking to the special type, of construction having elegant elevation finishing and architectural features we estimate the cost of construction at Rs.1000/- per sq.ft. Since 90% work is completed the cost has been worked out at the rate of Rs.900 per sq.ft.

2. Shiva Statue:

An idol of Shiva having 81 ft. height overlooking National Highway No. 22 is erected in front of the Secretariat building, it is mounted on 50 ft. diameter platform having a height of 10 ft. Below the platform 12 Meditation rooms have been constructed.

Looking to the aesthetic view of idol and the height etc we estimate the cost of construction at Rs.60.00 lakhs.

3. Rope Way.

Work of erecting a Rope way along National Highway No. 22 and 1 Km. Away from the National Highway is in progress. The work of erecting the Ropeway has been entrusted to *M/s Kropvonic Cables Pvt. Ltd.*, an Austrian Firm specialised in Ropeway installation, at the cost of Rs. 250. 00 lakhs. Though the work is not completed in

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all respect, the clients have paid the full amount to the said firm and thus- we have adopted the cost at Rs. 250. 00 lakhs

4. COMPOUND WALL :

A brick masonry/stone masonry compound wall finished complete to a height of 5 to 6, ft. with necessary gate has been provided. The total length of the compound wall is about 6 K.M.

We estimate the cost of construction' at the rate of Rs. 800 per R.M. for such type of construction of compound wall.

5. Motel Golden Tourist, Resort (3 Star Category)

A building having basement ground and three upper floors consisting of 90 Guestrooms and comprising of 131 ,000 sft. Area is under construction. The r.c.c. frame work is completed.

It is an r.c.c. frame building with panel and partition walls of brick masonry in cement mortar finished complete. The basement walls are of r.c.c. The flooring of circulation area is of marble where as the hotel rooms will be provided with carpets. The doors and windows are of Nigerian teak-wood. The front elevation of the hotel will be of glass curtains. The porch of the hotel is of fiberglass domes, The East foyer of the hotel building is about 37 ft. in height.

Six passenger lifts are proposed to be provided. Out of these six nos. of lifts two nos. of lifts will be used by waiters and four nos. of lift will be used by hotel guests The building is provided with necessary fire- fighting, equipments.

Standard plumbing, drainage and electric wiring are provided and are of superior quality. The plumbing and electrical services are of concealed nature. The drainage is to be connected to the septic tank. So far as water supply is concerned, sufficient no. of bore wells are sunk. The hotel building is centrally conditioned.

The open spaces have been concreted.

75% of the work is so far completed and by considering the elegant porch architectural features and centrally air conditioning we estimate the cost of construction at Rs.800 per sq.ft. Since 75% of

the work is completed we have estimated the cost at Rs.600.per sq.ft.

6. Working women hostel:

It is on r.c.c, framed ground and two upper floors building consisting of 50 self contained rooms. The flooring is of Kota/M.M. tiles. The doors and" windows are of teakwood and the window frames are of steel. The r.c.c. frame work is completed and the other works are in progress.

Standard drainage, plumbing and electric installation will be provided to the building and the open spaces will be concreted. The drainage is to be connected to the septic tank.

The total built up area is 30000 sq.ft. We estimate such type of cost of construction at Rs.500.00 per sq.ft.

7. Residential complex "A"

Residential r.c.c. building having ground and two upper floors consisting of 12 flats each admeasuring about-11 75 sft. Is already constructed on site. In all there are five blocks consisting of 60 flats the- built up area is 84600 sq.ft.

It is an r.c.c. framed structure building having panel and partition walls of B.M. in C.M. finished complete. The flooring is of marble mosaic tiles /Ceramic tiles. The doors and windows are of teakwood. The terrace is of flat type finished with cement.

Standard drainage; plumbing and electric installation are provided to the building and are of ordinary quality. The drainage is connected to the septic tank.

The open spaces are concreted, the access road off National Highway No.22 is asphalted and thus the buildings are accessible from trwN.H.22.

Looking to the type of construction and the facilities provided, we estimate the cost of construction at the rate of Rs500/-per sq.ft.'

8. Farm Houses:-

There are different type of farm, houses having area of 2 Acres, 1 Acre, 1/2 Acre and 1/4 Acre Buildings on the farm houses will be of ground and one upper floor. The building will have a drawing room in the front and kitchen and garden on the rear side. It will have an area of about 4000 sq.ft, The flooring will be of M.M.T. and the doors and windows will be of teakwood.

Looking to the progress of work and the work carried out we estimate the total cost of the work at Rs.24.00 lakhs.

9. School Golden Public School

It is a ground and one upper floor-structure already constructed on site. There is a provision to add two more floors to the building. The school building comprises of classrooms and administrative rooms

It is an r.c.c. frame structure having panel and partition walls of brick-masonry in cement mortar finished complete. The flooring is of Kota stone in common passages, Kota stone flooring with marble strips in administrative block, and terrazo flooring in classrooms. The doors and windows are of Assam wood.

Standard electric, plumbing and drainage installation are provided of ordinary quality.

The open spaces are concreted and the drainage is connected to septic tank. The total built up area of the school premises is 72063 sq.ft.

By considering the quality of the work we estimate the cost of construction at the rate of Rs.400 per sq.ft.

10. Residential Complex "B"

Six Nos. of r.c.c. building having ground and two upper floors consisting of 72 residential flats are already constructed on site. Each flat admeasures about 575.00 sq.ft. in area.

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The buildings are r.c.c. frame structures having panel and partition walls of brick masonry in cement mortar. The flooring is of M.M.T/ceramic tiles. The doors and windows are of teakwood. Standard drainage, plumbing and electric installations are provided of ordinary quality for the buildings. The pathways are concreted and the drainage is connected to septic tank. Solar energy system has been installed for heating.

We estimate the cost of construction at the rate of Rs.500/- per sq.ft.

11. Shopping and office complex.

Two nos. of building having ground and two upper floors admeasuring about 100,000 sq.ft." area are under construction. The ground floor is to be used for shops and the upper floors are to be used as office premises. In all provision for 26 shops .on the ground floor has been made. 50% of the work is already completed.

The building is of r.c.c. frame structure having panel and partition walls of brick masonry in cement mortar finished complete. The flooring is of marble mosaic tiles and the doors and windows are of teakwood.

Standard drainage, plumbing and electric installation work of ordinary quality is provided. The drainage is connected to the septic tank and the pathways are concreted.

We estimate the cost of construction at the rate of Rs.500/- per sq.ft.

Since 50% of the work is complete we adopted the cost of construction at Rs.250 per sq.ft.

12. Residential complex "G"

Two nos., of r.c.c. buildings having ground and two upper floors consisting of 88 flats and comprising of 350 sq.ft. area is constructed on site. In all there are 58 Nos. of flats. Each building thus has 44 flats.

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It is an r.c.c. frame structure having panel and pattern walls of brick, masonry in cement mortar finished complete. The flooring is of M.M.T. The doors and windows are of teakwood and the terrace of flat type.

Standard drainage, plumbing and electric installation of ordinary quality are provided to the building. The drainage is connected to the septic tank. The pathways are concreted.

Looking to the quality of the work we estimate the cost of construction at the rate of Rs. 800/-per sq.ft. ,

13. Tube Wells

Sixteen nos of Tube wells have been sunk on site the maximum depth is about 1200ft. and the minimum depth is 500ft. The sizes of the bore are 8" dia. The borewells along with pump rooms, suction tank and overhead tanks along with pumps etc., as also water supply distribution system have been provided onsite.

For such type of works we estimate the cost of providing bore wells, suction tanks, overhead tanks pump rooms along with pumps and water supply distribution system at the rate of Rs.80/- per sq.mtr. Thus the total cost for the developed land admeasuring 250 Hectares works out to Rs. 1250.00 lakhs.

14. Drive in - 22.

A Resort named as:"Drive-In-22" is developed on the land and the following structures and amenities are provided on the land

a) Cottages

Twenty five ground floor cottages admeasuring 12'-2" x 24'-3" in area each of partly B.M. walls and partly synthetic wood are constructed on site. The doors and windows are of synthetic wood (moulded wood). Toilets are having, tiles flooring whereas dadoes are of glazed tiles. The cottages are fully furnished with air-conditioners, furnitures, carpets and curtains.

The complex of 25 cottages is a separate unit and having B.M./Masonry compound walls with decorative gate.

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We estimate the cost of Construction at the rate of Rs.800 per sq.ft.
for construction of cottages and Rs.30,000/- for the gate.

b) Garden:

Garden in front of cottages is fully developed with garden furniture, Centralized music system and decorative lights are provided.

We estimate the development of garden along with centralized music system, decorative lights and garden furniture at Rs.10.00 lakhs.

c) Restaurant and Executive Club.

It is an r.c.c, frame structure having a ground floor with panel and partition walls of brick masonry in cement mortar finished complete. The doors and windows are of plastic moulded wood. The flooring is fully carpeted and the restaurant is fully furnished.

Standard drainage, plumbing and electric installation along with solar energy system are provided. The open spaces around structure are concreted. The restaurant and the executive club are having the size of 61'0" x 92'3" and height of 12'x0"

We estimate the cost of construction of such type building at the rate of Rs.300/- per sq.ft

d) Fast Food Restaurant. -

A ground floor structure admeasuring about 51 '0" x 92^T-3" for the Fast Food is constructed. The walls are of plastic moulded wood having a sloping roof over it. The roof is of plastic corrugated sheets. The flooring is of Kota stone. Part of the structure is used for kitchen and part of the structure is used for Fast Food service. The roof over the Fast Food section is of bamboo covered with polythtne sheets. The windows are of aluminum.

We estimate the cost of construction at Rs.300/- per sq.ft.

e) Amusement Park:

The following works have been completed in the Amusement Park situate by the side of Drive In-22.

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- i) Water chute:
- ii) Roller Coastal Train
- iii) Parachute
- iv) Mini Train

The above referred works have been completed and we estimate the total cost of providing the above referred works at Rs.125.00 Lakhs.

- f) Project office

It is a temporary ground floor hexagonal synthetic wood structure having area of about 163,00 Sq.ft. It has got a glass panel walls and roof over it is of synthetic wood.

We estimate the cost of construction for such type of construction at Rs.200/- per sq. ft.

- g) Gift Shop:

It is a ground floor hexagonal shape structure admeasuring about 168 sq.ft. in area. The walls are of synthetic wood and the roof is of plastic moulded wood.

We estimate the cost of construction of such type of structure at the rate of Rs.200/-per sq.ft.

- h) Toilet block:

It is a ground floor structure admeasuring about 963.00 sq.ft. area having rubble masonry walls and r.c.c. slab over it. 75% of the work is already completed.

We estimate the cost of construction at the rate of Rs.300/- per sq.ft. of the area. Since 75% of the work is completed, for estimating the value of the structure the cost is adopted at Rs.225/- per sq.ft.

- j) Generator room:

Construction of a ground floor structure admeasuring 600 sq.ft in area having brick masonry walls and r.c.c. slab over it is in progress 75% of the work is completed.

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We estimate the cost of construction at the rate of Rs.300/- per sq.ft. However, since the 75% work is completed, we have adopted-Rs.225 - per sq.ft. for valuing the structure

k) Water falls and circular lake:

A circular lake has been developed on site. It has got rubble masonry walls. On making site enquiries it has been reported that the cost of development incurred is about Rs.15 lakhs, we therefore estimate the cost of development at Rs.15.00 lakhs. .

l) Store cum laundry complex

A ground floor structure admeasuring about 5330.00 sq.ft. in area having brick masonry walls and A.C. sheet roof over it is being constructed on site. The roof is supported by steel members. The doors and windows are of teakwood and the flooring is of I.P.S. 75% of the work is completed

We estimate the cost of construction of such type of structured at the rate of Rs.250/- per sq.ft. However, since 75% of the work is completed we have adopted Rs.187.50 per sq.ft for the purpose of valuation.

m) Skating ground

A skating ground admeasuring about 7200 Sq.ft. area having a polished Kota stone flooring is developed on the site.. The boundaries are barricaded by G.I. pipe railing around the skating ground.

We estimate the rate of developing the skating ground at the rate of Rs.100/-per sq.ft.

n) Lawn Tennis Court:

Lawn Tennis Court admeasuring about 7200 sq.ft. is developed on site The open to sky gallery has been provided with steel seats. A stage along with the Lawn Tennis court admeasuring about 4277.00 sq.ft. is constructed..

We estimate the cost of development of the Tennis court at Rs.100/- per sq.ft. and the stage at Rs.1.50/-per sq.ft

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n) Cottages under construction:

Twenty five ground floor cottages each admeasuring about 2050 sq.ft. area are under construction. The plinth work has been completed and the work of construction of super structure is in progress. The cottages shall have partly brick masonry work and partly plastic moulded wood. The flooring in the toilet will be of ceramic tiles and fully furnished,

We estimate the cost of construction at the rate of Rs.300 per sq.ft. However since only the plinth work is completed, we have adopted Rs.30/- per sq.ft for valuing the cottages.

o) Plants and Nursery structure

There are two nos. of ground floor structures admeasuring about
(1) 75'-3" x 36'-0" and (2) 6'-0" x 21' x 6" having a height of 10'-0" to 12'-0"
The walls are of M S .grill and the roof is supported over the piped - columns. The roof is of welded wire mesh covered with filter curtain.

The flooring is concreted.

We estimate the cost of construction, at the rate of Rs.150/- per sq.ft.

p) Administrative office:

A ground floor r.c.c" structure having panel and partition walls of brick in cement mortar finished complete is in progress. 75% of the work is complete. The building shall have Kota stone flooring and the doors and windows will be of teakwood. The total area of the administrative office is about 3000 sq.ft.

We estimate the cost of construction at the rate of Rs 500/- per sq.ft. However, since the work is completed to the extent of 75% we have adopted the cost of construction at Rs.375/- per sq.ft.

q) Watchman Chowky:

A watchman chowky at the entrance gate of Drive In-22 has been constructed. The chowky consists of a ground floor structure along with brick masonry walls and r.c.c.slab over it. The doors and

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windows are of moulded plastic wood and flooring is of I.P.S. The area of the chowky is 80 Sq.ft.

We estimate the cost of construction at the rate of Rs.150/- per sq.ft.

r) Pan Shop

It is a ground floor stall having wooden wall and moulded plastic roof over it. It admeasures about 41.25 sq.ft. in area,

We estimate the cost at Rs.25,000/-

Transformer room:

A ground floor structure admeasuring about 300 sq.ft. in area and having brick masonry walls and r.c.c. slab over it is under construction. 75% of the work is completed.

We estimate the cost of construction at the rate of Rs.250/- per sq.ft. However since 75% of the work is completed. We have adopted Rs.187.50 per sq.ft. for estimating the value of the structure.

CITATION:

1. In case of Land Acquisition Officer Revenue Divisional Officer, Chittoor, V/s L Kamatemrna -(Smt.) Dead by Lrs. And Others, K. Krishnamachari and Others the Supreme Court has held that " when a land is acquired which has the potentiality of being developed into an urban land, merely because some portion of it abuts the main road , higher rate of compensation should be paid while in respect of lands on the interior side it should be at lower rate may not stand to reason because when sites are formed those abutting the main road may have its advantages as well as disadvantages Many a discerning customer may prefer to stay in the interior and far away from the main road and may be willing to pay a reasonably higher price for that site. One can not rely on the mere possibility so as to indulge in a meticulous exercise of classification of the land as was *done* by the land Acquisition Officer when the entire land was acquired in one block and therefore classification of the same into

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different categories does not stand to -reason— (Refer 1998 2 S.C.C (385).

In light of the above no reduction for the lands situate abutting to the main road and interior, thereof has been considered while valuing the properties under valuation.

In the above referred case it has also been held by the Supreme Court that when no sales of comparable lands were available where large chunks of land had been sold even land transactions in respect of smaller extent of land could be taken note of as indicating the price at it may fetch in respect of large tracts of land by making appropriate deductions such as for development of land by providing enough space for roads sewers, drains, expenses involved in formation of a lay out jump sum payment as also the waiting period required for selling the sites that would be formed."

In light of above, 40% deductions have been made while relying upon the instance of small plot of lands while valuing the properties under valuation.

Technique of valuation: Comparables

Comparables:-

1. By deed of conveyance dated 11/6/1997, the property situate in village Jarmari. Tehsil Derra Bassi, admeasuring about 1 bigha and 9 bishwa (0.296 Acres = 1197.88 sq.mt.) has been sold by Smt. Gyanjit Kaur to M/s Karan Resorts Pvt. Ltd. at the total consideration of Rs.Four lakhs. I.e. Rs.333.92 per sq.mt. say Rs.334.00 persq mt.

Analysis:

Rate of land _____ Rs.334.00 per sq.mt.

Less:

40% for large land _____ Rs.133.60 per sq.mt.

Land Rate _____ Rs.200.40 per sq.mt.

Say Rs.200.00 per sq.mt.

Or Rs.20.00 lakhs per Hectare

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- 2 M/s Cozmik Properties and Industries Pvt. Ltd. are developing a residential complex i.e. Ankur Vihar along National Highway No.22 and opposite to Shri Sukhmani International School, which is situated in the vicinity of the land under valuation, the residential flats are being sold at Rs.840000 for the area of 1089 sq.ft. flat.

Analysis:

Cost of flatRs.3,40,000.00

Deduct:-

Cost of construction at the rate of

Rs.600 per sq.ft..... .. Rs. 6,53,400.00

20% developers profit.....,.... Rs. 1,68,000.00

Rs.8,21,400.00

Rs. 18,600.00

Rate of land per sq.ft..... Rs.17.07

Say Rs.183.84 per sq.mt. i.e. Rs.18.38 lakhs per hectare.

3. By Deed of Conveyance dated 21/5/1996, the property in village Lalru, Tehsil Derra Bassi admeasuring about 15.3 Bishwa (765.00 sq. yds.= 639.63 sq.mt.) has been sold by Shri. Hardeep Singh to Shri. Somnath Takhan Singh at the total consideration of Rs.4,54,000.00 i.e. Rs.711.03 per sq.mt.

Analysis: Rate of land Rs.711.03 per sq.mt.

Less: 40% for large landRs.284.41 per sq.mt.

Land rate Rs.426.62 per sq.mt.

Say Rs.42.66 lakhs-per hectare.

By considering the above referred comparables and looking to the situation location, plus and minus factors, we estimate the value of land situated in the villages of Tehsil Derra Bassi and Ambala except in villages Pirmachhala, Chanderi, Rampur Bahal. Ramgarh Alia Rood and Nimuwa at Rs 26,00 lakhs per hectare.

The comparable instances of sales are not available for the- village Pirmachhala. Sonali and Nimuwa. On making local inquiries which Shri. Manjit Singh it is learnt that the lands are sold at Rs.20.00

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lakhs to Rs.25.00 Lakhs per hectare in villages Pirmachhala and Sonali.

For the fact both villages are situate-abutting to district Panchkula. there is lot of demand of land in this area as Panchkula city is likely to capital of Haryana.

As far as the land situate in village Nimuwa on local inquiries it is learnt that the lands are sold at the rate of Rs.10.00 lakhs per hectare. Lands in Nimuwa village are falling in "Free Enterprise Zone". That means that lands can be developed for residential, commercial or industrial user.

Looking to the above circumstances, situation and location, we estimate the value of land situate in villages Pirmachhala at the rate of Rs 20.00 lakhs per hectare and for the land situate in village Nimuwa at the rate of Rs.10.00 lakhs per hectare as on March 1998. Lands situate in villages known as Chanderi, Rampur Bahal and Ramjarh Alia Road are inferior to land situate in village Nimuwa, We therefore estimate the fair market value of land at Rs.8.00 lakhs per hectare as on March 1998.

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Department of Housing and Urban Development (pbhousing.gov.in)

AUTHORITIES

Amritsar Development Authority (adaamritsar.gov.in)

Bathinda Development Authority (bdabathinda.in)

Greater Ludhiana Area Development Authority (glada.gov.in)

Greater Mohali Area Development Authority (gmada.gov.in)

Jalandhar Development Authority (jda.gov.in)

Patiala Development Authority (pdapatiala.in)

Dera Baba Nanak Development Authority (DBNDA)

Sri Anandpur Sahib Urban Development Authority (SASUDA)

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About Organisation

PUDA

The Punjab Urban Planning and Development Authority (PUDA) is Punjab's elite institution for the development of balanced urban growth. Established in July 1995, During 2006-07 Six Regional Development Authorities have been established for planning & development of areas in their respective jurisdiction. PUDA working as an umbrella over these Regional Development Authority, prepares long term strategic plans, as well as detailed local-area plans, for physical development, and then co-ordinates and guides efforts to bring these plans to reality.

Prudent land use planning has enabled Punjab to enjoy strong economic growth and social cohesion, and PUDA ensures that sufficient land is safeguarded to support continued economic progress and future development.

The main Objectives of PUDA are:

- Carrying out integrated planning and physical development of declared urban areas.
- Formulating and submitting development plans, including capital investment plans.
- Undertaking the execution of development projects and schemes.
- Formulating and implementing urban land use policy.
- Developing environmental standards and preparing schemes for the environmental improvement of urban areas.
- Providing technical planning services.
- Preparation and implementation of regional Plans, Master plans, New township Plans and Town Improvement Schemes.
- Promoting research and development of new techniques in City planning, Urban Development and Housing Construction.

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E-Auctions

E-CLU Portal

E-Tendering

E-Water & Sewerage Bill Payment

GMADA Property Online payment

HOW DO I?

Apply for Change of land use

Apply for license for setting up a colony

Know Property Details

Know Property Status

Know Single Window Status

RTI Application Status

Specimen for Conveyance Deed