

HARYANA SHEHRI VIKAS PRADHIKARAN, SECTOR-6, PANCHKULA.

No. HSVP-CCF-Acctt-II-2018/ 143381-82 Dated: 17/7/18

To

1. The Zonal Administrator,
Panchkula, Gurugram, Faridabad, Rohtak & Hisar.
2. The Land Acquisition Officer,
Panchkula, Gurugram, Faridabad, Rohtak & Hisar.

Subject: Priority for payment of enhancement compensation in land acquisition cases on accounts of executions being filed in the various Courts.


1. Please refer to this office earlier instruction No. 53 issued under memo No. HSVP/CCF/AO-Cash/2018/36425-26 dated 23.02.2018 where under it was directed that the payment pertaining to original awards of specified categories and enhanced compensation awarded by the Hon'ble Supreme Court should be done on priority on the first phase. Thereafter in the 2nd phase, the payment of enhanced compensation based on the orders of Hon'ble high Court was to be taken up and the payment of enhanced compensation based on the orders of the ADJ Court was to be taken up in the 3rd phase.
2. It has been observed that various execution applications have been filed by the land owners in the Courts to secure release of the land payment. The Courts in some matters have taken coercive action to ensure release of payment to the land owners. In this background, it is again clarified that payment of original award and the enhanced compensation awarded by the Hon'ble Supreme Court should be uploaded by the field offices at their own level and they should ensure that the land owner is not required to approach the Courts by way of filing executions for release of payment in such cases. If any amount is to be deposited in the Court, due to dispute of ownership or apportionment, the same may be deposited by concerned LAO after taking written approval of jurisdictional Zonal Administrator-cum-ADUE without referring case to H.Q.
3. Execution petitions may arise in respect of enhanced compensation based on Hon'ble High Court or ADJ Court order to secure release of the payment, as these are not so far taken up for payment based on priority.
4. It is relevant to mention that as already notified vide H.Q. instructions dated 22.2.2007 (available on page 311 of HUDA Policies & Instructions) that payment of enhanced compensation in land acquisition cases is to be made as under:
 - (a) In case of enhancement, once the rate are finalized and no appeal of HSVP is pending; the entire enhancement compensation should be disbursed in

one go. The Land Acquisition Officer should not wait for execution proceedings. After receiving the communication that the rates of enhancement compensation have attained the finality and no further appeal is being filed. Land Acquisition Officer's will process all such communication and submit the same to the concerned Administrator who shall sanction the payment within 10 days of the receipt.

- (b) In case where HSVP has preferred appeal before Higher Court against enhanced compensation and no stay has been granted. 100% payment may be released subject to furnishing of adequate security or a bank guarantee from the land owners so that in the event of reduction the rates of enhancement compensation by the Higher Courts the excess amount could easily be recovered.

5. H.Q. has already issued instruction No. 34 dated 23.5.2017 directing that the Zonal Administrator-cum-ADUE should examine and make specific recommendation to the H.Q. for making payment on out of turn basis, if required.

6. If any execution has been filed to secure release of payment based on Hon'ble High Court/ADJ Court order and coercive action has been initiated by Executing Court, the Land Acquisition Officer should first procure sanction of Zonal Administrator based on the merit of each claim. Thereafter, Zonal Administrator should recommend the case to H.Q. for making out of turn payment.



Accounts Officer,
for Chief Administrator,
HSVP, Panchkula.

Endst. No. HSVP-CCF-Acctt-II-2018/143384-85

Dated: 17/7/18

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

1. Director Urban Estate, Haryana, Panchkula.
2. GM(IT), HSVP, Panchkula with the request to upload the above instruction on HSVP Website under policy- Finance Wing-Instructions.


Accounts Officer,
for Chief Administrator,
HSVP, Panchkula.