



**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

**RFA No. 181 of 2019**

**Reserved on: 24.04.2026**

**Date of decision: 13.05.2026**

---

State of H.P. & Anr.

.....Appellants

Versus

Prem Singh @ Leela Singh (deceased) through LRs

.....Respondents

---

*Coram*

**The Hon'ble Mr. Justice Sushil Kukreja, Judge.**

<sup>1</sup> *Whether approved for reporting?*

---

For the appellants:

Mr. Balvinder Singh, Deputy  
Advocate General.

For the respondents:

Mr. B.M. Chauhan, Senior  
Advocate with Mr. Amit Himalvi,  
Advocate.

---

**Sushil Kukreja, Judge**

The instant appeal has been preferred by the appellants, who were the respondents before the learned Court below, against award dated 02.06.2018, passed by learned Additional District Judge (CBI), Shimla, H.P. (hereinafter referred to as "the learned Reference Court"), in Land Reference RBT No. 10-S/4 of 2017/13, whereby the

---

<sup>1</sup> *Whether reporters of Local Papers may be allowed to see the judgment?*



)  
petition filed by the petitioners/claimants, under Section 18 of the Land Acquisition Act (for short “the Act”) was partly allowed and they were held entitled for compensation to the tune of Rs. 1,35,616/- (Rs. 12,328.72/- X 11), being value of 11 apple trees, alongwith other benefits, as permissible under the statute.

2. The brief facts of the case are that land comprised in Khasra No. 100/1, measuring 0-01-68 hectares, situated at Village Dhali, Tehsil Kotkhai, District Shimla, H.P., has been utilized by the respondents for public purpose, i.e. for construction of ‘Dhali-Dhawal’ link road vide Notification under Section 4, dated January 4, 2010 and the award whereof has been passed by Land Acquisition Collector, HPPWD, South Zone, Winter Field, Shimla, on July 3, 2012, vide award No. 70/2012.

3. The petitioners/claimants, feeling aggrieved with the award of the Land Acquisition Collector preferred a petition under Section 18 of the Act before the learned Reference Court for enhancement of the compensation mainly on the ground that their land and apple orchard have not been adequately compensated.



)

4. The learned Reference Court, partly allowed the petition of the claimants and they were held entitled for compensation to the tune of Rs. 1,35,616/- (Rs. 12,328.72/- X 11), being value of 11 apple trees, alongwith other benefits, as permissible under the statute. Hence, the appellants/State preferred the instant petition under Section 54 of the Act with a prayer to quash and set aside the impugned award, passed by the leaned Reference Court.

5. I have heard the learned Deputy Advocate General for the appellants/State, learned Senior Counsel for the respondents and also carefully examined the records.

6. Learned Deputy Advocate contended that the learned Reference Court had wrongly appreciated the material on record and wrongly placed reliance upon Ext. PW-2/A, i.e. assessment report of the expert, whereby compensation of 11 apple trees has been assessed to the tune of Rs. 1,35,616/-. He further contended that learned Reference Court had wrongly relied upon document Ext. PW-1/G and ignored the statement of RW-1 and copy of award, according to which, no trees were existing on the road. Therefore, he submitted that the appeal be allowed and



)  
impugned award dated 02.06.2018 passed by the learned Reference Court be set-aside.

7. Conversely, learned Senior Counsel for respondents contended that the learned Reference Court had rightly held the petitioners entitled for enhanced compensation, hence, the awarded amount of compensation is just and fair and necessitates no interference. Lastly, he prayed for dismissal of the instant appeal.

8. It is admitted case of the respondents that land of the petitioners was acquired for construction of Dhali-Dhakal link road vide Notification issued under Section 4 of the Act on 04.01.2010. Feeling aggrieved with the award of Collector, the petitioners had filed reference petition under Section 18 of the Act before the learned Reference Court for enhancement of the compensation with respect to their fruit bearing apple plants only on the acquired land alongwith all statutory benefits.

9. In order to prove his case, one of the petitioners namely Vijay Chauhan himself has appeared in the witness box as PW-3 and has also examined Dr. S.P. Bhardwaj, as an expert, who appeared in the witness box as PW-2 and



)  
tendered in evidence his report Ext. PW-2/A. In his statement before the Court, PW-2 has categorically deposed that he had visited the site and the petitioners provided him the list of the uprooted plants issued by the Department. He further deposed that on seeing the upward and downward apple orchards, he prepared his report Ext. PW-2/A on the basis of Harbans Singh's formula. This witness was cross-examined at length, however, nothing favourable could be elicited from his lengthy cross-examination.

10. The perusal of the record reveals that PW-2, Dr. S.P. Bhardwaj, assessed the loss suffered by the petitioners on account of uprooting of 11 apple trees and his statement is duly corroborated by the statement of PW-4, Narender, posted as Supervisor, HPPWD, Sub Division, Kotkhai. As per report of PW-2, Dr. S.P. Bhardwaj, the average value of one apple tree comes to Rs. 12,328.72/- and the total value of 11 apple trees come to Rs. 1,35,616/-.

11. In ***Lachhu Ram Vs. The Land Acquisition Collector (Nathpa Jhakri) and Others, Latest HLJ 2013 (HP) 1332***, it has been held that the compensation for fruit-bearing/non-fruit-bearing trees is to be determined as per



)  
Harbans Singh's Formula and Appendix-C of para 28.9 of the Himachal Pradesh Land Records Manual. The relevant portion of the aforesaid judgment reads as under:-

*"78. Similarly, now, the court has to determine the compensation for fruit bearing and non-fruit bearing trees. It has come in the standing order No. 28 that the value of the house and trees standing in the land has also to be worked out. Initially, these are worked out by the Department concerned. The compensation for fruit-bearing/non-fruit-bearing trees is to be determined as per Harbans Singh Formula and Appendix-C of para 28.9 of the Himachal Pradesh Land Records Manual. The Harbans Singh Formula was prepared in the year 1966, but while allowing the compensation, the inflationary trends have not been taken into consideration. The Division Bench of this Court in **1988 (1) Shim.L.C. 479** has taken into consideration the inflationary trends on the basis of price index. According to PW-2 Sh. Pratap Singh, Horticulture Development Officer, Harbans Singh formula was prepared in the year 1966. The compensation is paid on the basis of 1966 formula, but no price escalation was given. According to him, the valuation of the trees was undertaken by the Department on the basis of Harbans Singh formula prepared in the year 1966. While determining the valuation, the escalation of the price from 1966 to 1988 has not been taken into consideration. PW-6 Sh. R.P. Negi, Senior Clerk, Forest Division has deposed that his Department does not prepare rate of broad leaves trees. The Department has only taken fuel rates, which are duly approved by the Managing Director of the Himachal Pradesh Forest Corporation on the basis of the recommendations of the Committee constituted by the State Government. The statement of PW-8 Tulsi Ram, Range Officer, is only about the broad leaves trees and not with regard to fruit-bearing trees. RW-1 Shankar Dass has also deposed that the fruit-bearing trees have been assessed on the basis of 1966 Harbans Singh formula. The known method for calculating the market value of the trees is on the basis of its yield. However, in the case of*



)

*fruit bearing trees yield has not been given, but still the claimants are entitled to reasonable compensation for fruit bearing trees on the basis of Harbans Singh formula and after taking into consideration inflationary trends/rise in price index. In case the inflationary trends are taken into consideration from 1966 after applying the Harbans Singh formula till the date of notification, the claimants are entitled to 30% increase in the compensation towards the acquisition of fruit-bearing trees standing on their land.”*

12. Learned Deputy Advocate General has failed to point out that report, Ext. PW-2/A, was not prepared by the expert in accordance with **Harbans Singh's** formula. Ext. PW-1/G is the list of uprooted apple plants belonging to the petitioners, the perusal whereof reveals that 11 apple trees of different sizes belonging to the petitioners were uprooted when the road in question was constructed. The said list was duly countersigned by Assistant Engineer, HPPWD. PW-4, Narender, Supervisor, HPP WD, deposed that list of uprooted trees, Ext. PW-1/G bears signatures of Sh. Raj Kumar, Assistant Engineer, Sub Division, Kotkhai. Thus, it does not lie in the mouth of the State that Ext. PW-1/G has not been prepared as per the correct position on the spot and there is no reason to disbelieve Ext. PW-1/G.

13. Therefore, learned Reference Court had rightly



)  
enhanced the compensation with respect to 11 apple trees and held the petitioners entitled to a sum of Rs. 1,35,616/- being value of 11 apple trees, alongwith other statutory benefits.

14. Accordingly, the impugned award passed by learned Reference Court, requires no interference and the instant appeal, which is devoid of merits is accordingly dismissed. Pending application(s), if any, shall also stand(s) disposed of.

( Sushil Kukreja )  
Judge

**13<sup>th</sup> May, 2026**  
(raman)